

INSTRUCTIONS FOR USING SENTENCING GUIDELINES

I. Required Information

A. Which convictions require completion of the Sentencing Information Report (SIR)?

1. A SIR is to be completed (typewritten if possible) for all felony convictions which the Michigan Sentencing Guidelines apply to (see Tab 2 -- Guideline Crime List for a listing of applicable offenses). Please note that guidelines **DO NOT** apply to the following offenses and therefore it is not necessary to complete a Sentencing Information Report:

333.7411 conviction
Drug Offenses over 50 grams
Escapes
Felony Firearm conviction
First Degree Murder
Habitual Offenders
HYTA
OUIL Third offense
Parole Violations
Probation Violations
Perjury
Mandatory Sentences not specified above

2. In instances where there are multiple convictions for a single offender, complete a SIR for the conviction which carries the highest statutory maximum.

B. IDENTIFICATION

1. Judge: use the sentencing judge's complete name.
2. Circuit #: Use the assigned circuit court number
3. Docket #: use the complete docket number.
4. P.O.: use the probation officer's complete name.
5. Offender: use the offender's complete name, AKA's if applicable and/or State Identification Number.

C. CURRENT OFFENSE DATA

1. Offense Title: use the complete statutory title.
2. Attempt: check "yes" if the conviction is for an attempt; check "no" if it is not.
3. # of convictions: use the number of convictions for which the offender is being sentenced.

D. GUIDELINES INFORMATION

1. Crime group:

- a. For purposes of Sentencing Guidelines, all felonies which occur frequently and which have a statutory maximum of 24 months or more have been categorized into the following eleven crime groups:

- i. ASSAULT
- ii. BURGLARY
- iii. CRIMINAL SEXUAL CONDUCT
- iv. DRUG
- v. HOMICIDE
- vi. LARCENY
- vii. ROBBERY
- viii. FRAUD
- ix. PROPERTY DESTRUCTION
- x. WEAPONS POSSESSION
- xi. NEGLIGENT HOMICIDE

- b. Determine the crime group in which the instant conviction offense falls and enter it in the appropriate space on the SIR. If there is any question regarding the appropriate crime group, refer to the GUIDELINES CRIME LIST Tab.

2. Statutory Maximum (STATMAX):

- a. Within each crime group there is a Sentencing Guidelines grid for sets of crimes carrying the identical statutory maximum penalty.
- b. Determine the statutory maximum of the instant offense and enter it on the SIR. The STATMAX is listed for each offense under the GUIDELINES CRIME LIST Tab.

II. Scoring a Conviction

A. BASIC CONSIDERATIONS

1. Where there is an applicable Sentencing Guidelines grid, it is necessary to score the Prior Record, Offense, and Mitigation variables.
2. The scoring of each variable is the responsibility of the sentencing judge.
3. Where the facts are proven or acknowledged and are not consistent with the conviction offense (e.g., use of a weapon coupled with a conviction for unarmed robbery), the actual facts are still to be applied in scoring the appropriate variables.

B. PRIOR RECORD SCORE

1. Turn to the Prior Record Variable section of the Sentencing Guidelines Manual.

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2. If the conviction offense falls into any crime group except Negligent Homicide, Prior Record Variables (P.R.V.) 1 through 7 are to be scored.
3. If the conviction offense is negligent homicide (MCLA 750.324), only Prior Record Variables 8 and 9 are to be scored.
4. General instructions for scoring all Prior Record Variables are provided under the Prior Record Variables Tab.
5. Review carefully the final general instruction which details the decay factor for all prior felony convictions, misdemeanor convictions, and juvenile adjudications (hereafter referred to as convictions).
 - a. To determine whether the decay factor is applicable, start from the date of the instant offense and go back in time to the most recent prior conviction and determine the discharge date. If there is less than 10 years between the two dates, the most recent prior conviction is to be scored. If the gap is more than 10 years, that prior conviction and any previous convictions are not to be scored.
 - b. If there is a prior conviction within the most recent 10 year period, start from the offense date of the most recent prior conviction and go back in time to the discharge date of the next prior conviction. If there is less than 10 years between the two dates, the next prior conviction is to be scored. If there is more than a 10 year gap, that prior conviction and all previous convictions are not to be scored.
 - c. Continue in like fashion until there is a 10 year gap or until there are no further prior convictions.
6. Indicate the number of points for each Prior Record Variable on the SIR. If no points are assessed for a given Prior Record Variable, enter a "0" in the appropriate space. Do not leave any spaces blank.
7. Once the Prior Record Variables have been scored, the point values should be summed to yield the P R V Total. Enter the P R V Total on the SIR.
8. An offender's P R V Total is then used in conjunction with the following table to determine the Prior Record Level:

<u>Prior Record Score</u>	<u>Prior Record Level</u>
0	A
1-2	B
3-4	C
5-6	D
7-8	E
9+	F

The letters A through F denote the appropriate column of the Sentencing Guidelines grid.

C. OFFENSE SEVERITY SCORE

1. Locate the crime group of the conviction offense on the SIR. Each crime group contains a listing of all Offense Variables which apply to convictions in that crime group and detailed instructions for scoring each of the relevant Offense Variables.

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2. Indicate the number of points for each Offense Variable on the SIR. If no points are assessed for a given Offense Variable, enter a "0" in the appropriate space. Do not leave any spaces blank.
3. Once the Offense Variables have been scored, the point values should be summed to yield the Offense Score. Enter the Offense Score next to "Total" on the SIR.
4. An offender's Offense Score is used in conjunction with the offense ranking system to determine the Offense Severity Level. For example, in the CSC crime group the following ranking is used.

<u>Offense Score</u>	<u>Offense Severity Level</u>
0-3	I
4-7	II
8+	III

The roman numerals I, II, and III indicate the severity of the offense relative to that of other crimes in the same crime group; this means that crimes from one crime group (e.g., CSC) are never compared, in terms of relative severity, to crimes from other crime groups (e.g., Burglary). Therefore, within the same crime group, Level I refers to low relative severity, Level II refers to moderate relative severity, and Level III refers to high relative severity.

D. MITIGATION TYPE

1. Determine if one of the following circumstances existed at the time of the instant offense: (i) Avoiding Harm, (ii) Provocation/Passion, or (iii) Mistake/Inadvertance. Check the Mitigation type -i, ii, iii, none - on the SIR. Detailed instructions for making these determinations can be found under the Mitigation Variable Tab.
2. If there are mitigating circumstances, the following scoring procedure is to be used:
 - a. Determine the previously calculated Prior Record Level and Offense Severity Level.
 - b. If the offender is in Offense Severity Level II or III, raise the offender one Offense Severity Level in the same Prior Record Level.
 - c. If the offender is in Offense Severity Level I, move the offender one Prior Record Level to the left.
 - d. If the offender is in Offense Severity Level I and Prior Record Level A, mitigation will not change the Guideline Sentence range.
3. Record the final Prior Record Level on the SIR.
4. Record the final Offense Severity Level on the SIR.

III. Sentencing Under Guidelines

A. INTERPRETING A SENTENCE RANGE

1. A Sentencing Guidelines grid is made up of three Offense Severity

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Levels and six Prior Record Levels.

2. To refer to a specific cell, state the roman numeral (I, II, III) and the column letter (A through F).
3. The numbers in a given cell constitute the Sentencing Guidelines range. Note the following:
 - a. All ranges are in months.
 - b. Except for jail sentences, the ranges refer to the minimum sentence. Where jail sentences are within the guideline range, the sentence refers to a flat jail term or, if appropriate, a split sentence.
 - c. As an example, consider cell I-A of the Assault/Life grid which has a range of 0-36 months. This range encompasses a number of sentencing alternatives:
 - i. A probationary or other non-incarcerative sentence.
 - ii. A flat jail term of up to 12 months.
 - iii. A split sentence of up to 12 months of jail and up to 5 years probation.
 - iv. Any prison term up to and including 36 months.

B. DETERMINING THE SENTENCE GUIDELINE RANGE

1. Using the appropriate crime group and the maximum statutory penalty for the conviction offense being scored, find the correct guideline grid under the Sentence Ranges Tab.
2. The sentence range is found in the cell which lies at the intersection of the row and column which match the Offense Severity Level and the Prior Record Level.
3. Indicate the Guideline Sentence Range on the SIR.

C. ACTUAL SENTENCE

1. Specify the actual sentence on the SIR by placing the length of the sentence in the appropriate location(s). For example, if the sentence is split between jail and probation, place a length of time in both "jail" and "probation".
2. In the event of a delayed sentence, check "yes" besides "delayed sentence" and send the Guidelines office the form. A second form is required to be sent to the Guidelines office when a sentence is actually imposed.
3. Specify any general conditions pertaining to confinement. For example, indicate whether in a split sentence the jail term is at the beginning or the end of the probation term.

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D. DEPARTURE

1. Familiarize yourself with the Departure Policy.
2. Determine whether a departure is necessary.
3. Indicate whether the departure is above or below the guideline sentence range on the SIR.
4. State the reasons for the departure. NOTE: if the sentence necessitates a departure and no reasons are recorded on the SIR, the SIR will be returned to the sentencing judge for completion.

E. FINISHING THE SIR

1. Signature
 - a. Each SIR is to be signed by the sentencing judge.
 - b. Provide the date of completion along with the signature.
2. Attach BIR (PSI Facesheet) to the SIR
 - a. Attach the Basic Information Report, form CFO-101, to the SIR before sending it to the Sentencing Guidelines Office.
 - b. Send completed forms to the Guideline Office on the 15th of the month.
3. Evaluation of Sentencing Guidelines for This Case
 - a. The Michigan Sentencing Guidelines will be monitored and evaluated on a regular basis.
 - b. Any comments that you have will be considered by the Sentencing Guidelines Commission at their regularly scheduled meetings.
 - c. Fill out the short evaluation form on the back of the SIR.

ASSAULT CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
Life or term of years	750.83 750.349 750.89	* Assault w/intent to commit murder * Kidnapping Assault w/intent to rob armed (see ROBBERY)
180 months	750.88	Assault w/intent to rob unarmed (see ROBBERY)
120 months	750.84 750.87 750.86 750.136a 750.520g	* Assault w/intent to do great bodily harm * Assault w/intent to commit felony * Assault w/intent to maim * Torture children * Assault w/intent sexual penetration (see CSC)
60 months	750.520g 750.83 750.349 750.84 750.87 750.86 750.136a 750.520g 750.89 750.88	Assault w/intent criminal sexual conduct, 2nd (see CSC) Assault w/intent to commit murder ATT Kidnapping ATT Assault w/intent to do great bodily harm ATT Assault w/intent to commit felony ATT Assault w/intent to maim ATT Torture children ATT Assault w/intent sexual penetration ATT (see CSC) Assault w/intent to rob armed ATT (see ROBBERY) Assault w/intent to rob unarmed ATT (see ROBBERY)
48 months	750.82 750.136	Felonious assault Cruelty to children
30 months	750.520g	Assault w/intent criminal sexual conduct 2nd ATT (see CSC)
24 months	750.479 752.861 750.82 750.136	Resisting officer Kill or injure, negligent use of firearm Felonious assault ATT Cruelty to children ATT

*Proposal B applies - see Appendix

BURGLARY CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
180 months	750.110	* Breaking & entering occupied dwelling
120 months	750.110 750.116	* Breaking & entering unoccupied dwelling * Possess burglar's tools
60 months	750.111 750.110 750.110 750.116	Enter without breaking Breaking & entering occupied dwelling ATT Breaking & entering unoccupied dwelling ATT Possess burglar's tools ATT
30 months	750.111	Enter without breaking ATT

CRIMINAL SEXUAL CONDUCT CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
Life or term of years	750.520b	*Criminal sexual conduct, 1st
180 months	750.520c 750.520d 750.158	*Criminal sexual conduct, 2nd *Criminal sexual conduct, 3rd *Sodomy/sex delinquent
120 months	750.520g	*Assault w/intent sexual penetration
60 months	750.520f 750.520g 750.338 750.338a 750.520b 750.520c 750.520d 750.158 750.520g	Criminal sexual conduct, subsequent *Assault w/intent criminal sexual conduct, 2nd *Gross indecency/males *Gross indecency/male, female Criminal sexual conduct, 1st ATT Criminal sexual conduct, 2nd ATT Criminal sexual conduct, 3rd ATT Sodomy/sex delinquent ATT Assault w/intent sexual penetration ATT
30 months	750.520f 750.520g 750.338 750.338a	Criminal sexual conduct, subsequent ATT Assault w/intent criminal sexual conduct, 2nd ATT Gross indecency/males ATT Gross indecency/male, female ATT
24 months	750.520e 750.451	Criminal sexual conduct, 4th Prostitution, 3rd offense

DRUG CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
240 months	333.7401 (2) (a) (iv)	*Manufacture, deliver or possess w/intent to manufacture or deliver, a controlled substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a) (iv) and which is in an amount less than 50 grams of any mixture containing that substance.
120 months	333.7214 (2) (a)	Create, deliver, or possess w/intent to deliver, a counterfeit substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a) (iv).
84 months	333.7401 (2) (b)	*Manufacture, deliver, or possess w/intent to manufacture or deliver, any other controlled substance classified in schedule 1, 2 or 3, except marijuana.
60 months	333.7401 (2) (a) (iv)	*Manufacture ... narcotic ... less than 50 grams, etc. ATT (Does not apply to delivery: <u>People v Wright</u> , 74 Mich App 297, 301-302 (1977)).
	333.7402 (2) (a)	Create ... counterfeit substance ... in schedule 1 or 2, etc. ATT
	333.7402 (2) (b)	*Create, deliver or possess w/intent to deliver, any other counterfeit substance classified in schedule 1, 2, or 3.
48 months	333.7401 (2) (c)	Manufacture, deliver or possess w/intent to manufacture or deliver, a controlled substance classified in schedule 4 or marijuana.
	333.7401 (2) (c)	Create, deliver or possess w/intent to deliver a counterfeit substance classified in schedule 4.
	333.7403 (2) (a) (iv)	Knowingly or intentionally possess a controlled substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a) (iv), which is in an amount of less than 50 grams of any mixture containing that substance.
	333.7407 (2)	Violation of 333.7407 (1) (a) unlawful distribution of schedule 1 or 2 substances, (b) use illegal controlled substance license number, (c) acquire controlled substance by fraud, etc., (d) furnish false information etc., make a punch, etc. to print or reproduce the trademark of another upon a drug or container so as to render the drug a counterfeit substance.

*Proposal B applies - see Appendix

(REV. 10/82)

DRUG CRIME LIST (CONT.)

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
42 months	333.7401 (2) (b)	Manufacture ... any other controlled substance, etc., ATT
24 months	333.7401 (2) (c)	Manufacture ... a controlled substance classified in schedule 4 or marijuana, ATT
	333.7401 (2) (d)	Manufacture, deliver or possess w/intent to manufacture or deliver, a controlled substance classified in schedule 5.
	333.7402 (2) (c)	Create ... a counterfeit substance classified in schedule 4. ATT
	333.7402 (2) (d)	Create, deliver, or possess w/intent to deliver a counterfeit substance classified in schedule 5.
	333.7403 (2) (a) (iv)	Knowingly ... possess a controlled substance classified in schedule 1 or 2, etc. ATT
	333.7403 (2) (b)	Knowingly or intentionally possess a controlled substance classified in schedule 1, 2, 3, or 4, except a controlled substance classified in schedule 1 for which a penalty is prescribed in subdivision (a), (c), or (d).
	333.7406	Violations of 333.7405 (a) illegal distribution by licensee, (b) illegal manufacture by a licensee, (c) failure to keep required records, (d) refusal to allow lawful inspections, (e) keeping structure for violation of controlled substance law.

FRAUD CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
168 months	750.249 750.248	Utter and publish forged instrument Forge public records
120 months	750.174 750.218 257.254 750.280	Embezzle over \$100 False pretenses over \$100 Possess title stolen motor vehicle Gross Frauds
84 months	750.250 750.251 750.252 445.1538	Forge treasury notes Forge bank bills Possess counterfeit notes Franchise law violation
60 months	750.253 750.362 750.363 438.41 750.254 750.249 750.248 750.174 750.218 257.254 750.280	Utter counterfeit note Larceny by conversion over \$100 Larceny by false personation Criminal usury Possess counterfeit bank notes Utter and publish forged instrument ATT Forge public records ATT Embezzle over \$100 ATT False pretenses over \$100 ATT Possess title stolen motor vehicle ATT Gross frauds ATT
48 months	750.157p 750.157q 750.157u 400.60 257.257	Possess credit card Deliver credit card Forge signature credit card Welfare fraud over \$500 Forge motor vehicle title
42 months	750.250 750.251 750.252 445.1538	Forge treasury notes ATT Forge bank bills ATT Possess counterfeit notes ATT Franchise law violation ATT
30 months	750.253 750.362 750.363 438.41 750.254	Utter counterfeit note ATT Larceny by conversion over \$100 ATT Larceny by false personation ATT Criminal usury ATT Possess counterfeit bank notes ATT
24 months	750.131a 750.326a 750.157p 750.157q 750.157u 400.60 257.257	Checks, non-sufficient funds, 3 or more Larceny rented motor vehicle over \$100 Possess credit card ATT Deliver credit card ATT Forge signature credit card ATT Welfare fraud over \$500 ATT Forge motor vehicle title ATT

HOMICIDE CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
Life or term of years	750.317	*Murder second degree
180 months	750.321 750.329	*Manslaughter *Manslaughter, death from wound

*Proposal B applies - see Appendix

(REV. 10/82)

LARCENY CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
120 months	750.357	*Larceny from a person (see ROBBERY)
60 months	750.356	Larceny over \$100
	750.356a	Larceny, motor vehicle
	750.413	Unlawfully driving away automobile
	750.535	Receive stolen property over \$100
	750.362	Larceny by conversion over \$100 (see FRAUD)
	750.363	Larceny by false personation (see FRAUD)
	750.357	Larceny from a person ATT (see ROBBERY)
48 months	750.357a	Larceny livestock
	750.157n	Steal credit card
	750.360	Larceny by stealing in any dwelling house, house trailer, office, store, etc.
	750.360	Larceny in a building
30 months	750.356	Larceny over \$100 ATT
	750.356a	Larceny, motor vehicle ATT
	750.413	Unlawfully driving away automobile ATT
	750.535	Receive stolen property over \$100 ATT
	750.362	Larceny by conversion over \$100 ATT (see FRAUD)
	750.363	Larceny by false personation ATT (see FRAUD)
24 months	750.414	Use auto without authority
	750.356a	Larceny rented motor vehicle over \$100 (see FRAUD)
	750.357a	Larceny livestock ATT
	750.157n	Steal credit card ATT
	750.360	Larceny by stealing in any dwelling house, house trailer, office, store, etc. ATT
	750.360	Larceny in a building ATT

*Proposal B applies - see Appendix

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NEGLIGENT HOMICIDE CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
24 months	750.324	Negligent homicide

PROPERTY DESTRUCTION CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
240 months	750.72	*Arson, dwelling
120 months	750.73	*Burn real property
	750.75	*Burn insured property
60 months	750.72	Arson, dwelling ATT
	750.73	Burn real property ATT
	750.75	Burn insured property ATT
48 months	750.74	Burn personal property over \$50
	750.77	Prepare to burn over \$50
	750.377a	Malicious injury personal property over \$100
	750.377b	Malicious injury property of police
	750.380	Malicious injury house over \$100
24 months	750.74	Burn personal property over \$50 ATT
	750.77	Prepare to burn over \$50 ATT
	750.377a	Malicious injury personal property over \$100 ATT
	750.377b	Malicious injury property of police ATT
	750.380	Malicious injury house over \$100 ATT

*Proposal B applies - see Appendix

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ROBBERY CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
Life or term of years	750.529	*Robbery armed
	750.531	*Bank robbery
	750.89	*Assault w/intent to rob armed
180 months	750.530	*Robbery unarmed
	750.88	*Assault w/intent to rob unarmed
120 months	750.357	*Larceny from person
60 months	750.529	Robbery armed ATT
	750.530	Robbery unarmed ATT
	750.89	Assault w/intent to rob armed ATT
	750.88	Assault w/intent to rob unarmed ATT
	750.357	Larceny from person ATT

*Proposal B applies - see Appendix

(REV. 10/82)

WEAPONS POSSESSION CRIME LIST

<u>STATUTORY MAXIMUM</u>	<u>MCLA</u>	<u>OFFENSES</u>
60 months	750.227 750.224 750.226	Carry concealed weapon Sell illegal weapon Carry weapon with unlawful intent
30 months	750.227 750.224 750.226	Carry concealed weapon ATT Sell illegal weapon ATT Carry weapon with unlawful intent ATT

PRIOR RECORD VARIABLES

General Instructions

- A. For purposes of scoring, prior convictions refer only to convictions which occur prior to commission of the instant offense. In those instances in which an offender is convicted in two jurisdictions for crimes arising out of the same set of activities, do not count any convictions in one jurisdiction related to those activities as prior convictions when sentencing for the same crimes in the other jurisdiction.
- B. Probation violations do not count as prior convictions.
- C. A felony refers to any offense punishable by more than one year of incarceration.
- D. A misdemeanor refers to any offense punishable by one year or less of incarceration and directly related to one of the following crime groups: robbery, assault, CSC, drug, burglary, larceny, fraud, weapons possession or property destruction.
- E. A conviction refers to criminal charges to which the defendant pleads guilty or is found guilty in a court of law.
- F. Prior convictions from states other than Michigan or the federal government are to be considered felony convictions if the offense was punishable by more than one year of incarceration or, when the statutory penalty is not available, if the crime was described as a felony in the convicting jurisdiction at the time of the prior conviction.
- G. All prior felony convictions, even those convictions which fall outside the purview of the eleven crime groups, are to be used in scoring the prior record variables. If a prior felony conviction falls outside of the eleven crime groups (e.g., escape), the judge has discretion to determine whether the conviction is a high or low severity type of conviction and whether or not it is similar in nature to the instant offense.
- H. Do not score any prior felony convictions, misdemeanor convictions or juvenile delinquency adjudications which precede conviction-free periods of 10 years or more. A conviction-free period exists if more than 10 years have elapsed between the discharge date from any conviction or adjudication and the commission of the next offense which results in conviction. When discharge date is not available, add (a) the amount of time the offender is sentenced to probation, or (b) the amount of time of the minimum incarceration term, to the conviction date to determine an approximate discharge date. To determine whether the decay factor is applicable:
 - 1. Start from the date of the instant offense and go back in time to the most recent prior conviction and determine the discharge date. If there is less than 10 years between the two dates, the most recent prior conviction is to be scored. If the gap is more than 10 years, that prior conviction and any previous convictions are not to be scored.
 - 2. If there is a prior conviction within the most recent 10 year period, start from the offense date of the most recent prior conviction and go back in time to the discharge date of the next prior conviction. If there is less than 10 years between the two dates, the next prior conviction is to be scored. If there is more than a 10 year gap, that prior conviction and all previous convictions are not to be scored.
 - 3. Continue in like fashion until there is a 10 year gap or until there are no further prior convictions.

P.R.V. 1 PRIOR HIGH SEVERITY FELONY CONVICTIONS

2 = each prior high severity felony conviction

0 = none

Instructions:

- A. Score "2" points for each prior high severity felony conviction.
- B. There is no limit to the score that can be entered for this variable.
- C. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:

- Homicide (life, 180 month maximum)
- Assault (life, 120, 60, 48 month maxima)
- CSC (life, 180, 120, 60 month maxima)
- Robbery (all)
- Burglary (180 month maximum)
- Property Destruction (240 month maximum)

P.R.V. 2 PRIOR LOW SEVERITY FELONY CONVICTIONS

1 = each prior low severity felony conviction

0 = none

Instructions

- A. Score "1" point for each low severity felony conviction.
- B. There is no limit to the score that can be entered for this variable.
- C. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:

- Assault (24 month maximum)
- CSC (24 month maximum)
- Drug (all)
- Burglary (120, 60, 48, 30, 24 month maxima)
- Larceny (all)
- Fraud (all)
- Property Destruction (120, 60, 48, 24 month maxima)
- Weapons Possession (all)
- Negligent Homicide (24 month maximum)

P.R.V. 3 PRIOR HIGH SEVERITY SIMILAR FELONY CONVICTIONS

2 = each prior high severity similar felony conviction

0 = none

Instructions:

- A. Score "2" points for each prior high severity similar felony conviction.
- B. There is no limit to the score that can be entered for this variable.
- C. A high severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:

- Homicide (life, 180 month maximum)
- Assault (life, 120, 60, 48 month maxima)
- CSC (life, 180, 120, 60 month maxima)
- Robbery (all)
- Burglary (180 month maximum)
- Property Destruction (240 month maximum)

- D. A prior felony conviction is similar to the present felony conviction if both convictions are in one of the following high severity "similarity groups." The groups are:

- 1. Homicide, Robbery, Assault, CSC
- 2. Burglary, Property Destruction

- E. Score 2 points if the instant offense is high severity, the prior conviction is low severity, and both convictions are in one of the high severity similarity groups.

P.R.V. 4 PRIOR LOW SEVERITY SIMILAR FELONY CONVICTIONS

1 = each prior low severity similar felony conviction

0 = none

Instructions:

- A. Score "1" point for each prior low severity similar felony conviction.
- B. There is no limit to the score that can be entered for this variable.
- C. A low severity felony conviction refers to a conviction for any felony included in the following crime groups and statutory maxima:

- Assault (24 month maximum)
- CSC (24 month maximum)
- Drug (all)
- Burglary (120, 60, 48, 30, 24 month maxima)
- Larceny (all)
- Fraud (all)
- Property Destruction (120, 60, 48, 24 month maxima)
- Weapons Possession (all)
- Negligent Homicide (24 month maximum)

- D. A prior felony conviction is similar to the present felony conviction if both convictions are in one of the following low severity "similarity groups". The groups are:

- 1. Assault, CSC
- 2. Drugs
- 3. Burglary, Property Destruction
- 4. Weapons Possession
- 5. Larceny, Fraud
- 6. Negligent Homicide

- E. Score "1" point if the instant offense is low severity, the prior conviction is high severity, and both convictions are in one of the low severity similarity groups.

P.R.V. 5 PRIOR JUVENILE DELINQUENCY ADJUDICATIONS

2 = two or more felony type adjudications or four or more misdemeanor type adjudications

1 = one felony type adjudication or two or three misdemeanor type adjudications

0 = no felony type adjudications or one or no misdemeanor type adjudication

Instructions:

- A. A prior juvenile delinquency adjudication is to be counted as a felony type adjudication if it constitutes felony behavior.
- B. A prior juvenile delinquency adjudication is to be counted as a misdemeanor type adjudication if it constitutes misdemeanor behavior.
- C. The adjudicated offense must occur after the offender's 13th birthday and before the offender's 17th birthday to be scored.
- D. Curfew and status offenses are not to be scored.

P.R.V. 6 PRIOR MISDEMEANOR CONVICTIONS

2 = four or more prior misdemeanor convictions

1 = two or three prior misdemeanor convictions

0 = none or one prior misdemeanor conviction

Instructions:

- A. The maximum number of points that can be scored for this variable is "2".
- B. A misdemeanor refers to any offense punishable by one year or less of incarceration and directly related to one of the following crime groups: robbery, assault, CSC, drug, burglary, larceny, fraud, weapons possession, or property destruction.
- C. The Guidelines Advisory Committee has prepared a list of misdemeanors which they feel could legitimately be used for scoring this variable. This list can be found under Tab #29.

P.R.V. 7 CURRENT RELATIONSHIP TO THE CRIMINAL JUSTICE SYSTEM

1 = if relationship exists

0 = no relationship exists

Instructions:

A relationship exists if, at the time of the instant offense, the offender was:

- 1. incarcerated by Michigan Dept. of Corrections (includes escapee)**
- 2. incarcerated in jail (includes escapee)**
- 3. on parole**
- 4. on probation (including 7411 drug cases)**
- 5. on bail after bind over or waiver of preliminary exam (AOI)**
- 6. on pretrial diversion status**
- 7. on Holmes Youthful Trainee Act status**
- 8. awaiting sentence on a probation violation**
- 9. awaiting sentence on a guilty verdict or guilty plea**
- 10. on delayed sentence status**
- 11. involved with criminal justice system of another state or the federal government as specified by the relationships listed in 1-10.**

PRIOR RECORD LEVELS

POINTS

LEVEL

0

A

1-2

B

3-4

C

5-6

D

7-8

E

9+

F

P.R.V. 8 PRIOR DRIVING RECORD (Applies only to Negligent Homicide)

5=each prior conviction for

- negligent homicide or manslaughter resulting from the operation of a motor vehicle

4=each prior conviction for

- operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance or a combination thereof
- failing to stop and disclose identity at the scene of an accident when required by law
- reckless operation of a motor vehicle in violation of MCLA 257.626 or a similar violation of any other state law or municipal ordinance within or without this state

3=each prior conviction for

- operating a motor vehicle while impaired by intoxicating liquor or a controlled substance or a combination thereof

2=each prior conviction for

- engaging in illegal speeding, acceleration or drag racing under MCLA 257.626a
- violation of any law or ordinance pertaining to speed by exceeding the lawful minimum by more than 15 miles per hour

1=each prior conviction for

- any speeding or moving violation received within two years prior to the instant offense

0=no prior moving violation

Instructions:

There is no limit to the score that can be entered for this variable.

P.R.V. 9 PRIOR ADULT CONVICTIONS OR JUVENILE FELONY TYPE ADJUDICATIONS
(Applies only to Negligent Homicide)

1 = each prior conviction or adjudication in the homicide, assault, robbery, CSC or property destruction crime groups

0=no prior convictions or adjudications

Instructions:

There is no limit to the score that can be entered for this variable.

ASSAULT OFFENSE VARIABLES

O.V. 1 WEAPON: PRESENCE, TYPE AND USE

4 = a firearm discharged or pointed at victim; touching with other weapon

3 = a firearm displayed but not pointed

2 = any weapon, other than a firearm, displayed in a threatening manner

1 = any weapon, other than a firearm, displayed; a firearm implied or possessed, but not displayed

0 = no weapon displayed, implied or possessed

Instructions:

- A. In multiple offender cases, when one offender is assessed points for the presence, type and/or use of a weapon, all offenders shall be assessed the same number of points.**
- B. A firearm refers to an operational or non-operational firearm, or any instrument fashioned to reasonably appear to be a firearm.**
- C. Score "1" if an offender uses an object in his or her pocket to suggest the presence of a firearm.**

Notes:

ASSAULT

O.V.2 PHYSICAL ATTACK AND/OR INJURY

6 = victim killed

5 = serious impairment of body function or permanent serious disfigurement

3 = bodily injury

1 = touching beyond that needed to commit the instant offense

0 = no touching or assault

Instructions:

- A. In multiple offender cases, when one offender is assessed points for physical attack and/or injury, all offenders shall be assessed the same number of points.
- B. Score "0" if a victim is struck in an assaultive crime and there is no bodily injury.
- C. Score "0" in a CSC crime which does not cause bodily injury in addition to acts of sexual contact and/or penetration.
- D. Score "6" if death results during the commission of a crime and a homicide is not charged.

Notes:

ASSAULT

O.V. 5 VICTIM WAS CARRIED AWAY OR HELD CAPTIVE

3 = victim was either carried away to another place or held captive beyond that which was necessary to commit the offense

0 = victim was not carried away or held captive

Instructions:

A. Score "0" if the conviction offense is kidnapping or if a related conviction offense is kidnapping.

B. Score "0" where the "carrying away" of a victim would not amount to asportation under Michigan kidnapping law (MCLA 750.349).

Notes:

O.V. 6 MULTIPLE VICTIMS

6 = multiple deaths

2 = three or more victims

1 = two victims

0 = not a multiple victim situation

Instructions:

Count each person who was placed in danger of injury or loss of life as a victim.

Notes:

ASSAULT

O.V. 7 OFFENDER EXPLOITATION OF VICTIM'S VULNERABILITY

3 = offender did exploit victim vulnerability

0 = no exploitation

Instructions:

- A. Score "3" where the victim lacks substantial capacity to defend against the offense and the victim's vulnerability is apparent at the time of the offense. Examples which indicate a victim's vulnerability may include but are not limited to:

- (1) Physical disability
- (2) Mental disability
- (3) Youth
- (4) Agedness
- (5) Disparity in size
- (6) Disparity in strength
- (7) Abuse of authority status
- (8) Intoxication
- (9) Under influence of drugs
- (10) Asleep
- (11) Unconscious
- (12) Physical restraint (e.g., binding with rope, handcuffs, etc.)

DO NOT USE EXAMPLES 5 AND/OR 6
IN SCORING CSC OFFENSES

The mere existence of one or more of these factors should not automatically be equated with victim vulnerability.

- B. Exploitation refers to the manipulation of the victim for selfish or unethical purposes.
- C. Vulnerability refers to the readily apparent susceptibility of the victim to injury, physical attack, persuasion or temptation.
- D. Abuse of authority status refers to situations where a victim is exploited out of fear or deference to an authority figure. Examples of this relationship include: parent-child, teacher-student, doctor-patient.

Notes:

ASSAULT

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

ASSAULT

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

- A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

ASSAULT

(0-3)

(4-5)

(6+)

ASSAULT

Statutory Maximum
LIFE OR TERM OF YEARS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-36	18-36	24-48	36-72	48-96	72-120
II	48-96	48-96	60-96	72-120	84-120	120-240
III	120-240	120-240	180-240	180-LIFE	180-LIFE	180-LIFE

Offense Title:

750.83
750.349

Assault w/intent to commit murder
Kidnapping

ASSAULT

Statutory Maximum
120 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-18	0-18	6-24	12-36	24-48	36-72
II	0-18	6-24	12-30	24-48	36-48	48-72
III	12-36	12-36	24-48	36-60	48-80	60-80

Offense Title:

750.84	Assault w/intent to do great bodily harm
750.87	Assault w/intent to commit felony
750.86	Assault w/intent to maim
750.136a	Torture children

ASSAULT

Statutory Maximum
60 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-12	0-12	6-12	6-24	12-30	18-36
II	0-12	0-12	6-24	12-30	18-36	24-36
III	6-18	6-18	12-30	18-36	24-40	32-40

Offense Title:

750.83 Assault w/intent to commit murder ATT
 750.349 Kidnapping ATT
 750.84 Assault w/intent to do great bodily harm ATT
 750.87 Assault w/intent to commit felony ATT
 750.86 Assault w/intent to maim ATT
 750.136a Torture children ATT

ASSAULT

Statutory Maximum
48 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-12	0-18	6-18	6-18	12-18
	II	0-12	0-18	6-18	6-18	12-24	18-24
	III	0-18	0-18	6-18	6-24	12-24	24-32

Offense Title:

750.82 Felonious Assault
750.136 Cruelty to Children

ASSAULT

Statutory Maximum
24 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-3	0-6	0-9	3-9	3-9	6-9
II	0-6	0-9	3-9	3-12	6-12	9-12
III	0-9	0-9	3-9	3-12	6-12	12-16

Offense Title:

750.479 Resisting officer, Disobey officer
 750.861 Kill or inj., neg. use of firearm
 750.82 Felonious Assault ATT
 750.136 Cruelty to Children ATT

BURGLARY OFFENSE VARIABLES

O.V. 1 WEAPON: PRESENCE, TYPE AND USE

4 = a firearm discharged or pointed at victim; touching with other weapon

3 = a firearm displayed but not pointed

2 = any weapon, other than a firearm, displayed in a threatening manner

1 = any weapon, other than a firearm, displayed; a firearm implied or possessed, but not displayed

0 = no weapon displayed, implied or possessed

Instructions:

- A. In multiple offender cases, when one offender is assessed points for the presence, type and/or use of a weapon, all offenders shall be assessed the same number of points.
- B. A firearm refers to an operational or non-operational firearm, or any instrument fashioned to reasonably appear to be a firearm.
- C. Score "1" if an offender uses an object in his or her pocket to suggest the presence of a firearm.

Notes:

BURGLARY

O.V. 2 PHYSICAL ATTACK AND/OR INJURY

6 = victim killed

5 = serious impairment of body function or permanent serious disfigurement

3 = bodily injury

1 = touching beyond that needed to commit the instant offense

0 = no touching or assault

Instructions:

- A. In multiple offender cases, when one offender is assessed points for physical attack and/or injury, all offenders shall be assessed the same number of points.
- B. Score "0" if a victim is struck in an assaultive crime and there is no bodily injury.
- C. Score "0" in a CSC crime which does not cause bodily injury in addition to acts of sexual contact and/or penetration.
- D. Score "6" if death results during the commission of a crime and a homicide is not charged.

Notes:

O.V. 5 VICTIM WAS CARRIED AWAY OR HELD CAPTIVE

3 = victim was either carried away to another place or held captive beyond that which is necessary to commit the offense

0 = victim was not carried away or held captive

Instructions:

- A. Score "0" if the conviction offense is kidnapping or if a related conviction offense is kidnapping.
- B. Score "0" where the "carrying away" of a victim would not amount to asportation under Michigan kidnapping law (MCLA 750.349).

Notes:

BURGLARY

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

BURGLARY

O.V. 10 POSSESSION OF BURGLAR'S TOOLS

2 = offender possesses burglar's tools

0 = no burglar's tools

Instructions:

- A. Score "2" where the instrument would amount to a burglar tool within the meaning of MCLA 750.116. For example, burglar's tools may include: nitro-glycerine, or other explosives, thermite, engine, machine, tool or implement, device, chemical or substance, adapted and designed for cutting or burning through, forcing or breaking open any building, room, vault, safe or other depository.
- B. Score "0" where the offender is separately convicted of possession of burglar's tools.

Notes:

I

O.V. 11 PERSON(S) PRESENT DURING COMMISSION OF OFFENSE

3 = person is present

0 = no one is present

Instructions:

- A. Score "3" only where a person other than the offender(s) is present in a dwelling during the commission of a burglary.
- B. It is not necessary that the offender(s) be aware of the presence of another person.

Notes:

BURGLARY

O.V. 17 AGGREGATE VALUE OF PROPERTY OBTAINED, DAMAGED OR DESTROYED

2 = more than \$5,000 or property having significant historical, social or sentimental value

1 = \$750 to \$5,000

0 = less than \$750

Instructions:

A. Score "0" in cases of "true joyriding" where vehicle is recovered without damage.

B. "True joyriding" refers to cases where there is no intent to permanently deprive the owner.

Notes:

O.V. 24 WANTON OR MALICIOUS DAMAGE

3 = wanton or malicious damage incurred above and beyond that necessary to commit the crime and not formally charged

0 = no wanton or malicious damage

Notes:

BURGLARY

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

- A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.**

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

BURGLARY

(0-3)

(4-6)

(7+)

BURGLARY

**Statutory Maximum
180 MONTHS**

PRIOR RECORD LEVEL

**O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y**

	A	B	C	D	E	F
I	0-12	0-18	0-18	6-24	12-30	18-36
II	0-18	0-18	6-24	12-30	24-42	36-48
III	12-30	24-48	36-60	48-60	48-60	60-120

Offense Title:

750.110 Breaking and entering occupied dwelling

BURGLARY

Statutory Maximum
120 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-12	0-12	0-18	6-24	12-30	18-36
	II	0-12	0-18	6-24	12-30	18-36	24-42
	III	6-18	6-18	12-30	18-36	24-42	48-80

Offense Title:

750.110	Breaking and entering unoccupied dwelling
750.116	Possess burglar's tools

BURGLARY

Statutory Maximum
60 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-12	0-12	0-12	6-24	12-30	18-36
	II	0-12	0-12	6-24	12-30	18-36	24-36
	III	6-18	6-18	12-30	18-36	24-40	32-40

Offense Title:

750.111 Entering without breaking
 750.110 Breaking and entering occupied dwelling ATT
 750.110 Breaking and entering unoccupied dwelling ATT
 750.116 Possess burglar's tools ATT

BURGLARY

Statutory Maximum
48 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-6	0-6	0-6	3-12	6-18	9-18
II	0-6	0-12	3-12	6-15	9-18	12-24
III	3-12	3-12	6-18	9-18	12-24	24-32

Offense Title:

750.360 Larceny in a building

BURGLARY

Statutory Maximum
30 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-6	0-6	0-6	3-12	6-15	9-18
II	0-6	0-6	3-12	6-15	9-18	12-18
III	3-9	3-9	6-15	9-18	12-20	16-20

Offense Title:

750.111 Enter without breaking ATT

BURGLARY

Statutory Maximum
24 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-3	0-3	0-3	0-6	3-9	3-9
	II	0-3	0-6	0-6	3-6	4-9	6-12
	III	0-6	0-6	3-9	3-9	6-12	12-16

Offense Title:

750.360 Larceny in a building ATT

CRIMINAL SEXUAL CONDUCT OFFENSE VARIABLES

O.V. 1 WEAPON: PRESENCE, TYPE AND USE

4 = a firearm discharged or pointed at victim; touching with other weapon

3 = a firearm displayed but not pointed

2 = any weapon, other than a firearm, displayed in a threatening manner

1 = any weapon, other than a firearm, displayed; a firearm implied or possessed, but not displayed

0 = no weapon displayed, implied or possessed

Instructions:

- A. In multiple offender cases, when one offender is assessed points for the presence, type and/or use of a weapon, all offenders shall be assessed the same number of points.
- B. A firearm refers to an operational or non-operational firearm, or any instrument fashioned to reasonably appear to be a firearm.
- C. Score "1" if an offender uses an object in his or her pocket to suggest the presence of a firearm.

Notes:

CRIMINAL SEXUAL CONDUCT

O.V. 2 PHYSICAL ATTACK AND/OR INJURY

6 = victim killed

5 = serious impairment of body function or permanent serious disfigurement

3 = bodily injury

1 = touching beyond that needed to commit the instant offense

0 = no touching or assault

Instructions:

- A. In multiple offender cases, when one offender is assessed points for physical attack and/or injury, all offenders shall be assessed the same number of points.
- B. Score "0" if a victim is struck in an assaultive crime and there is no bodily injury.
- C. Score "0" in a CSC crime which does not cause bodily injury in addition to acts of sexual contact and/or penetration.
- D. Score "6" if death results during the commission of a crime and a homicide is not charged.

Notes:

CRIMINAL SEXUAL CONDUCT

O.V. 5 VICTIM WAS CARRIED AWAY OR HELD CAPTIVE

3 = victim was either carried away to another place or held captive beyond that which is necessary to commit the offense

0 = victim was not carried away or held captive

Instructions:

- A. Score "0" if the conviction offense is kidnapping or if a related conviction offense is kidnapping.
- B. Score "0" where the "carrying away" of a victim would not amount to asportation under Michigan kidnapping law. (MCLA 750.349).

Notes:

O.V. 6 MULTIPLE VICTIMS

6 = multiple deaths

2 = three or more victims

1 = two victims

0 = not a multiple victim situation

Instructions:

Count each person who was placed in danger of injury or loss of life as a victim.

Notes:

CRIMINAL SEXUAL CONDUCT

O.V. 7 OFFENDER EXPLOITATION OF VICTIM'S VULNERABILITY

3 = offender did exploit victim vulnerability

0 = no exploitation

Instructions:

- A. Score "3" where the victim lacks substantial capacity to defend against the offense and the victim's vulnerability is apparent at the time of the offense. Examples which indicate a victim's vulnerability may include but are not limited to:

- (1) Physical disability
- (2) Mental disability
- (3) Youth
- (4) Agedness
- (5) Disparity in size
- (6) Disparity in strength
- (7) Abuse of authority status
- (8) Intoxication
- (9) Under influence of drugs
- (10) Asleep
- (11) Unconscious
- (12) Physical restraint (e.g., binding with rope, handcuffs, etc.)

DO NOT USE EXAMPLES 5 AND/OR 6
IN SCORING CSC OFFENSES

The mere existence of one or more of these factors should not automatically be equated with victim vulnerability.

- B. Exploitation refers to the manipulation of the victim for selfish or unethical purposes.
- C. Vulnerability refers to the readily apparent susceptibility of the victim to injury, physical attack, persuasion or temptation.
- D. Abuse of authority status refers to situations where the victim is exploited out of fear or deference to an authority figure. Examples of this relationship include: parent-child, teacher-student, doctor-patient:

Notes:

CRIMINAL SEXUAL CONDUCT

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

CRIMINAL SEXUAL CONDUCT

O.V. 12 VAGINAL CRIMINAL SEXUAL PENETRATION

3 = vaginal criminal sexual penetration by offender

0 = no penetration

Instructions:

Score "3" if there is vaginal criminal sexual penetration of any kind, with sexual organ, with other parts of body or with any other objects.

Notes:

O.V. 13 NONVAGINAL CRIMINAL SEXUAL PENETRATION

3 = nonvaginal criminal sexual penetration by offender

0 = no penetration

Instructions:

Score "3" if there is nonvaginal criminal sexual penetration of any kind, with sexual organ, with other parts of body or with any other objects.

Notes:

CRIMINAL SEXUAL CONDUCT

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

- A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

CRIMINAL SEXUAL
CONDUCT

(0-3)

(4-7)

(8+)

CRIMINAL SEXUAL CONDUCT

Statutory Maximum
LIFE OR TERM OF YEARS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	12-36	12-48	12-48	36-60	48-84	72-120
	II	36-72	48-84	60-108	72-120	96-180	120-240
	III	72-120	96-180	120-240	180-240	180-LIFE	180-LIFE

Offense Title:

750.520b Criminal Sexual Conduct, 1st

CRIMINAL SEXUAL CONDUCT

Statutory Maximum
180 MONTHS

O F F E N S E S E V E R I T Y	PRIOR RECORD LEVEL					
	A	B	C	D	E	F
	I 0-18 12-18*	6-18	12-24	18-36	24-48	36-72
	II 0-36 12-36*	18-36	24-48	36-48	42-60	60-96
III	24-48	36-60	48-72	60-96	84-120	96-120

Offense Title:

750.520c Criminal sexual conduct. 2nd
750.520d Criminal sexual conduct. 3rd
750.158 Sodomy/sex delinquent

*These ranges apply only to CSC-3rd convictions.

CRIMINAL SEXUAL CONDUCT

Statutory Maximum
120 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-12	0-18	6-24	12-36	24-48	36-72
II	0-18	6-24	12-30	24-48	36-48	48-72
III	12-36	12-36	24-48	36-60	48-80	60-80

Offense Title:

750.520g Assault w/intent sexual penetration

CRIMINAL SEXUAL CONDUCT

Statutory Maximum
60 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-12	0-12	6-12	6-24	12-30	18-36
II	0-12	0-12	6-24	12-30	18-36	24-36
III	6-18	6-18	12-30	18-36	24-40	32-40

Offense Title:

750.520f	Criminal sexual conduct, subsequent
750.520g	Assault w/intent criminal sexual conduct, 2nd
750.338	Gross indecency/males
750.338a	Gross indecency/male, female
750.520b	Criminal sexual conduct, 1st ATT
750.520c	Criminal sexual conduct, 2nd ATT
750.520d	Criminal sexual conduct, 3rd ATT
750.158	Sodomy/sex delinquent ATT
750.520g	Assault w/intent sexual penetration ATT

CRIMINAL SEXUAL CONDUCT

Statutory Maximum
30 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-6	0-6	3-6	3-12	6-15	9-18
II	0-6	0-6	3-12	6-15	9-18	12-28
III	3-9	3-9	6-15	9-18	12-20	16-20

Offense Title:

750.520f	Criminal sexual conduct, subsequent ATT
750.520g	Assault w/intent criminal sexual conduct, 2nd ATT
750.338	Gross indecency/males ATT
750.338a	Gross idencency/male, female ATT

CRIMINAL SEXUAL CONDUCT

Statutory Maximum
24 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
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I
T
Y

	A	B	C	D	E	F
I	0-3	0-6	0-9	3-9	3-9	6-9
II	0-6	0-9	3-9	3-12	6-12	9-12
III	0-9	0-9	3-9	3-12	6-12	12-16

Offense Title:

750.520e
750.451

Criminal sexual conduct, 4th
Prostitution, 3rd offense

DRUG OFFENSE VARIABLES

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

DRUG

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

O.V. 15 NATURE OF CONTROLLED SUBSTANCE

2 = cocaine, heroin and Schedule 1 and 2 narcotics

1 = other controlled substances (except heroin, Schedule 1 and 2 narcotics, and marijuana)

0 = marijuana

Notes:

DRUG

O.V. 16 AGGRAVATED CONTROLLED SUBSTANCE OFFENSE

4 = situations involving the

- sale or delivery of a controlled substance by a commercial seller, or
- sale of any substance from an adult to a minor who is three or more years younger than the adult

3 = situations involving the

- sale or delivery of 11 grams or more of a compound containing heroin, or
- possession of substances other than heroin having such dollar value, or under such circumstances, as to indicate trafficking

2 = situations involving the

- possession of 11 grams or more of a compound containing heroin, or
- sale or delivery of controlled substance other than marijuana

1 = situations involving the

- possession of 2 grams to 10 grams of compound containing heroin, or
- possession of a controlled substance having such dollar value, or under such circumstances, as to indicate personal use, or
- sale or delivery of marijuana

0 = absence of aggravating circumstances

Instructions:

- Determine the offender's score by selecting the single applicable aggravating circumstances with the highest score.
- A commercial seller is a wholesaler who customarily sells quantities too large for personal use to persons who will resell the drugs.
- Trafficking is selling drugs on a continuing basis to the ultimate consumer; it does not include merely being reimbursed for sharing a portion of one's personal supply.
- A minor is someone who is 17 years old or younger.

Notes:

DRUG

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

- A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

DRUG

(0-3)

(4-6)

(7+)

DRUGS

Statutory Maximum
240 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	12-24	18-36	30-42	36-48	48-72
	II	6-12	18-36	30-42	48-72	48-72	72-96
	III	12-24	30-42	48-72	48-72	72-96	72-160

Offense Title:

333.7401 (2) (a) (iv)

Manufacture, deliver or possess w/intent to manufacture or deliver, a controlled substance classified in schedule 1 or 2 which is either a narcotic drug or described in Sec. 333.7214 (a) (iv) and which is in an amount less than 50 grams of any mixture containing that substance.

DRUGS

Statutory Maximum
120 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-12	0-18	6-18	6-18	6-24
	II	0-12	6-18	6-18	18-36	18-36	18-36
	II	6-18	18-36	18-36	36-48	36-48	48-80

Offense Title:

333.7402 (2) (a)

Create, deliver or possess w/intent to deliver, a counterfeit substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a) (iv).

DRUGS

Statutory Maximum
84 MONTHS

O
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F
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PRIOR RECORD LEVEL

	A	B	C	D	E	F
I	0-6	0-12	0-18	6-18	6-18	6-18
II	0-12	6-18	6-18	18-36	18-36	18-36
III	6-18	18-36	18-36	36-48	36-48	36-56

Offense Title:

333.7401 (2) (b)

Manufacture, deliver or possess w/intent to manufacture or deliver, any other controlled substance classified in schedule 1, 2, or 3, except marijuana.

DRUGS

Statutory Maximum
60 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-6	0-12	0-18	0-18	6-18	6-18
II	0-12	0-18	6-18	12-24	12-24	12-30
III	0-18	6-24	12-24	18-30	24-36	24-40

Offense Title:

333.7401 (2) (a) (iv)

Manufacture ... narcotic ... less than 50 grams, etc. ATT

333.7402 (2) (a)

Create ... counterfeit substance ... in schedule 1 or 2, etc. ATT

333.7402 (2) (b)

Create, deliver or possess w/intent to deliver, any other counterfeit substance classified in schedule 1, 2, or 3.

DRUGS

Statutory Maximum
48 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-6	0-12	0-18	0-18	0-18	6-18
II	0-12	0-18	0-18	6-24	6-24	6-24
III	0-18	0-18	6-18	6-24	12-24	24-32

Offense Title:

333.7401 (2) (c)

Manufacture, deliver or possess w/intent to manufacture or deliver, a controlled substance classified in schedule 4 or marijuana.

333.7402 (2) (c)

Create, deliver or possess w/intent to deliver a counterfeit substance classified in schedule 4.

333.7403 (2) (a) (iv)

Knowingly or intentionally possess a controlled substance classified in schedule 1 or 2 which is either a narcotic drug or described in 333.7214 (a) (iv), which is in an amount of less than 50 grams of any mixture containing that substance.

333.7407 (2)

Violation of 333.7404 (1) (a) unlawful distribution of schedule 1 or 2 substances, (b) use illegal controlled substance license number, (c) acquire controlled substance by fraud, etc., (d) furnish false information, etc., make a punch, etc. to print or reproduce the trademark of another upon a drug or container so as to render the drug a counterfeit substance.

DRUGS

Statutory Maximum
42 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-12	0-12	0-18	0-18	6-18
	II	0-12	0-12	0-18	6-18	6-18	6-18
	III	0-12	0-18	6-12	6-18	12-24	18-28

Offense Title:

333.7401 (29) (b)

Manufacture ... any other controlled substance, etc., ATT

DRUGS

Statutory Maximum
24 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-3	0-6	0-9	0-12	0-12	3-12
II	0-6	0-9	0-9	3-12	3-12	3-12
III	0-9	0-9	3-9	3-12	6-12	12-16

Offense Title:

333.7401 (2) (c)

Manufacture ... a controlled substance classified in schedule 4 or marijuana
ATT.

333.7401 (2) (d)

Manufacture, deliver or possess w/intent to manufacture or deliver a controlled
substance classified in schedule 5.

333.7402 (2) (c)

Create ... a counterfeit substance classified in schedule 4 ATT.

333.7402 (2) (d)

Create, deliver or possess w/intent to deliver a counterfeit substance classified
in schedule 5.

333.7403 (2) (a) (iv)

Knowingly ... possess a controlled substance classified in schedule 1 or 2, etc..
ATT

333.7403 (2) (b)

Knowingly or intentionally possess a controlled substance classified in schedule
1, 2, 3, or 4, except a controlled substance classified in schedule 1 for which a
penalty is prescribed in subdivision (a), (c), or (d).

333.7406

Violations of 333.7405 ((a) illegal distribution by licensee, (b) illegal manu-
facture by a licensee, (c) failure to keep required records, (d) refusal to allow
lawful inspections, (e) keeping structure for violation of controlled substance
law).

FRAUD OFFENSE VARIABLES

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

FRAUD

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

O.V. 17 AGGREGATE VALUE OF PROPERTY OBTAINED, DAMAGED OR DESTROYED

2 = more than \$5,000 or property having significant historical, social or sentimental value

1 = \$750 to \$5,000

0 = less than \$750

Instructions:

A. Score "0" in cases of "true joyriding" where vehicle is recovered without damage.

B. "True joyriding" refers to cases where there is no intent to permanently deprive the owner.

Notes:

FRAUD

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

FRAUD

(0-3)

(4-5)

(6+)

FRAUD

Statutory Maximum
168 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-6	0-12	0-12	6-24	12-42
	II	0-6	0-6	3-12	6-18	12-42	24-48
	III	0-12	3-12	6-12	12-36	24-48	36-96

Offense Title:

750.249 Utter and publish forged instrument
750.248 Forge public records

FRAUD

Statutory Maximum
120 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-6	0-6	0-12	0-12	6-24	12-42
II	0-6	0-6	3-12	6-18	12-42	24-42
III	0-12	3-12	6-12	12-36	24-48	36-80

Offense Title:

750.174 Embezzlement over \$100
 750.218 False pretenses over \$100
 257.254 Possess title stolen motor vehicle
 750.280 Gross frauds

FRAUD

Statutory Maximum
84 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-6	0-12	0-12	6-24	12-42
	II	0-6	0-6	3-12	6-18	12-42	24-42
	III	0-12	3-12	6-12	12-36	24-48	36-56

Offense Title:

750.250	Forge treasury notes
750.251	Forge bank bills
750.252	Possess counterfeit notes
445.1538	Franchise law violation

FRAUD

Statutory Maximum
60 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-6	0-12	0-12	6-24	12-36
	II	0-6	0-6	3-12	6-18	12-24	24-36
	III	0-12	3-12	6-12	12-24	24-36	24-40

Offense Title:

750.253 Utter counterfeit note
 750.362 Larceny by conversion over \$100
 750.363 Larceny by false personation
 438.41 Criminal usury
 750.254 Possess counterfeit bank notes
 750.249 Utter and publish forged instruments ATT
 750.248 Forged public records ATT
 750.174 Embezzle over \$100 ATT
 750.218 False pretenses over \$100 ATT
 257.254 Possess title to stolen motor vehicle ATT
 750.280 Gross frauds ATT

FRAUD

Statutory Maximum
48 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-6	0-6	0-12	0-12	6-18	6-24
II	0-6	0-6	3-12	6-18	12-24	12-24
III	0-12	3-12	6-12	12-24	12-24	18-32

Offense Title:

750.157p	Possess credit card
750.157q	Deliver credit card
750.157u	Forge signature credit card
400.60	Welfare fraud over \$500
257.257	Forge motor vehicle title

FRAUD

Statutory Maximum
42 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-6	0-12	0-12	6-18	6-24
	II	0-6	0-6	3-12	6-18	12-20	12-24
	III	0-12	3-12	6-12	12-24	12-24	18-28

Offense Title:

750.250	Forge treasure note ATT
750.251	Forge bank bills ATT
750.252	Possess counterfeit notes ATT
445.1538	Franchise law violation ATT

FRAUD

Statutory Maximum
30 MONTHS

OFFENSE
SEVERITY

PRIOR RECORD LEVEL

	A	B	C	D	E	F
I	0-6	0-6	0-6	0-12	6-15	6-18
II	0-6	0-6	3-9	6-15	9-18	12-18
III	0-9	3-9	6-9	9-18	12-20	12-20

Offense Title:

750.253 Utter counterfeit note ATT
 750.362 Larceny by conversion over \$100 ATT
 750.363 Larceny by false personation ATT
 438.41 Criminal usury ATT
 750.254 Possess counterfeit bank note ATT

FRAUD

Statutory Maximum
24 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-3	0-3	0-3	0-6	3-9	3-9
	II	0-3	0-6	0-6	3-6	3-9	6-12
	III	0-6	0-6	3-9	3-9	6-12	12-16

Offense Title:

750.131a Checks, nonsufficient funds, 3 or more
 750.326a Larceny rented motor vehicle over \$100
 750.157p Possess credit card ATT
 750.157q Deliver credit card ATT
 750.157u Forge signature credit card ATT
 400.60 Welfare fraud over \$100 ATT
 257.257 Forge motor vehicle title ATT

HOMICIDE OFFENSE VARIABLES

O.V. 3 INTENT TO KILL OR INJURE

6 = premeditation or deliberation

3 = intention to kill or homicide committed during the perpetration of a criminal sexual conduct 1st or 3rd degree, assault, robbery, breaking and entering occupied dwelling, extortion, kidnapping or arson

2 = intention to injure

1 = recklessness, gross negligence, wanton disregard of human life

Instructions:

- A. Score "2" where a killing is intentional within the definition of murder second degree or voluntary manslaughter but the death occurred in a combative situation.
- B. Score "1" where death is inflicted by a spring gun (MCLA 750.236) or other such device and there is no evidence the offender intended the device to result in the death of a specified person.
- C. Score "1" in every homicide case where premeditation or deliberation, intention to kill or intention to injure is not found.
- D. Fact finding by a jury may not be disputed by a judge unless there is additional evidence not made available to the jury.

Notes:

HOMICIDE

O.V. 4 AGGRAVATED PHYSICAL ABUSE

5 = torture or sadism involved

3 = aggravated physical injury or criminal sexual penetration

0 = none

Instructions:

- A. Torture or sadism occurs whenever the offender subjected the victim to extreme or prolonged pain or humiliation, apparently inflicted to produce suffering or for gratification of the offender.
- B. Criminal sexual penetration includes vaginal or non-vaginal sexual penetration of any kind, with sexual organ, with other parts of the body or with any other objects.

Notes:

O.V. 6 MULTIPLE VICTIMS

6 = multiple deaths

2 = three or more victims

1 = two victims

0 = not a multiple victim situation

Instructions:

Count each person who was placed in danger of injury or loss of life as a victim.

Notes:

HOMICIDE

O.V. 7 OFFENDER EXPLOITATION OF VICTIM'S VULNERABILITY

3 = offender did exploit victim vulnerability

0 = no exploitation

Instructions:

- A. Score "3" where the victim lacks substantial capacity to defend against the offense and the victim's vulnerability is apparent at the time of the offense. Examples which indicate a victim's vulnerability may include but are not limited to:

- (1) Physical disability
- (2) Mental disability
- (3) Youth
- (4) Agedness
- (5) Disparity in size
- (6) Disparity in strength
- (7) Abuse of authority status
- (8) Intoxication
- (9) Under influence of drugs
- (10) Asleep
- (11) Unconscious
- (12) Physical restraint (e.g., binding with rope, handcuffs, etc.)

DO NOT USE EXAMPLES 5 AND/OR 6
IN SCORING CSC OFFENSES

The mere existence of one or more of these factors should not automatically be equated with victim vulnerability.

- B. Exploitation refers to the manipulation of the victim for selfish or unethical purposes.
- C. Vulnerability refers to the readily apparent susceptibility of the victim to injury, physical attack, persuasion or temptation.
- D. Abuse of authority status refers to situations where a victim is exploited out of fear or deference to an authority figure. Examples of this relationship include: parent-child, teacher-student, doctor-patient.

Notes:

HOMICIDE

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

HOMICIDE

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

- A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.**

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

HOMICIDE

(1-3)

(4-6)

(7+)

HOMICIDE

Statutory Maximum
LIFE OR TERM OF YEARS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	12-84	24-108	36-144	48-168	60-192	72-216
	II	72-168	84-192	96-216	108-240	120-LIFE	132-LIFE
	III	120-LIFE	144-LIFE	168-LIFE	192-LIFE	216-LIFE	240-LIFE

Offense Title:

750.317 Murder Second Degree

HOMICIDE

Statutory Maximum
180 MONTHS

PRIOR RECORD LEVEL

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F
F
E
N
S
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S
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V
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R
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T
Y

	A	B	C	D	E	F
I	0-36	12-48	12-60	24-72	24-84	36-96
II	12-60	24-72	36-84	48-96	60-108	72-120
III	36-96	60-96	84-120	96-120	96-120	96-120

Offense Title:

750.321 Manslaughter
750.329 Manslaughter, death from wound

LARCENY OFFENSE VARIABLES

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

LARCENY

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

O.V. 14 MOTOR VEHICLE THEFT

1 = motor vehicle was taken or stripped

0 = joy riding

Instructions:

A. Score "1" where motor vehicle is stripped; i.e., major part(s) taken.

B. "True Joyriding" refers to cases where there is no intent to permanently deprive the owner.

Notes:

LARCENY

O.V. 17 AGGREGATE VALUE OF PROPERTY OBTAINED, DAMAGED OR DESTROYED

2 = more than \$5,000 or property having significant historical, social or sentimental value

1 = \$750 to \$5,000

0 = less than \$750

Instructions:

- A. Score "0" in cases of "true joyriding" where vehicle is recovered without damage.**
- B. "True joyriding" refers to cases where there is no intent to permanently deprive the owner.**

Notes:

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

- A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.**

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

LARCENY

(0-3)

(4-5)

(6+)

LARCENY

Statutory Maximum
60 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
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Y

	A	B	C	D	E	F
I	0-12	0-12	0-12	6-24	6-24	12-24
II	0-12	0-12	6-24	12-30	18-36	24-36
III	6-18	6-18	12-30	18-36	24-40	30-40

Offense Title:

750.356 Larceny over \$100
 750.356a Larceny, motor vehicle
 750.413 Unlawful driving away automobile
 750.535 Receive stolen property over \$100

LARCENY

Statutory Maximum
48 MONTHS

		PRIOR RECORD LEVEL					
OFFENSE <							

Offense Title:

750.357a Larceny livestock
 750.357n Steal credit card
 750.360 Larceny by stealing in any dwelling house, house trailer, office.
 store, etc.

LARCENY

Statutory Maximum
30 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-6	0-6	3-12	3-12	6-12
	II	0-6	0-6	3-12	6-15	9-18	12-18
	III	3-9	3-9	6-15	9-18	12-20	15-20

Offense Title:

750.356	Larceny over \$100 ATT
750.356a	Larceny, motor vehicle ATT
750.413	Unlawful driving away automobile ATT
750.535	Receive stolen property over \$100 ATT

LARCENY

Statutory Maximum
24 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-3	0-3	0-3	0-6	3-9	3-9
	II	0-3	0-6	0-6	3-6	3-9	6-12
	III	0-6	0-6	3-9	3-9	6-12	12-16

Offense Title:

750.414 Use auto without authority
 750.357a Larceny livestock ATT
 750.357n Steal credit cards ATT
 750.360 Larceny in dwelling, etc. ATT
 750.360 Larceny by stealing in any dwelling house, house trailer, office, store, etc. ATT

NEGLIGENT HOMICIDE OFFENSE VARIABLES

O.V. 20 CIRCUMSTANCES OF OFFENSE HIGHLY AGGRAVATED

3 = the circumstances are highly aggravated

0 = the circumstances are not highly aggravated

Instructions

Score "3" if offender leaves scene of accident, drag races, drives at a high rate of speed in view of road conditions or drives in a reckless or negligent manner beyond that required for a conviction under MCLA 750.324.

Notes:

NEGLIGENT HOMICIDE

O.V. 21 MULTIPLE DEATHS OR INJURIES

2 = more than one person killed

1 = in addition to single death, other persons seriously injured

0 = not a multiple death or injury situation

Notes:

O.V. 22 DRIVER'S ABILITY WAS IMPAIRED BY THE USE OF ALCOHOL OR
DRUGS

3 = offender's driving ability impaired

0 = no impairment

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

NEGLIGENT
HOMICIDE

(0-2)

(3-4)

(5+)

NEGLIGENT HOMICIDE

Statutory Maximum
24 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-3	0-3	0-6	3-12	3-12	3-12
	II	0-6	0-6	3-12	6-12	6-12	6-12
	III	3-6	3-6	6-12	12-16	12-16	12-16

Offense Title:

750.324 Negligent homicide

PROPERTY DESTRUCTION OFFENSE VARIABLES

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

PROPERTY DESTRUCTION

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

O.V. 17 AGGREGATE VALUE OF PROPERTY OBTAINED, DAMAGED OR DESTROYED

2 = more than \$5,000 or property having significant historical, social or sentimental value

1 = \$750 to \$5,000

0 = less than \$750

Instructions:

A. Score "0" in cases of "true joyriding" where vehicle is recovered without damage.

B. "True joyriding" refers to cases where there is no intent to permanently deprive the owner.

Notes:

PROPERTY DESTRUCTION

O.V. 18 INJURY OR THREAT TO LIFE

5 = acts resulted in loss of human life

4 = acts resulted in injury to person

3 = acts created threat to human life

0 = no loss, injury or threat

Notes:

O.V. 19 POSSESSION OF INCENDIARY DEVICE OR EXPLOSIVES

2 = offender possesses incendiary device or explosives

0 = no such possession

Instructions:

A. Score "0" where the offender is separately convicted of "preparation to burn," or "possession of incendiary device."

B. Incendiary device does not refer to the use of matches.

C. Incendiary device does refer to the use of gasoline or other flammable substances, blow torches, fire bombs, Molotov cocktails, etc.

Notes:

PROPERTY DESTRUCTION

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

- A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.**

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

PROPERTY
DESTRUCTION

(0-3)

(4-5)

(6+)

PROPERTY DESTRUCTION

Statutory Maximum
240 MONTHS

O
F
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E

S
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V
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T
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PRIOR RECORD LEVEL

	A	B	C	D	E	F
I	0-12	0-18	3-18	6-24	18-36	36-60
II	3-18	6-24	12-24	18-36	36-60	48-60
III	18-30	24-48	36-60	48-72	72-120	120-160

Offense Title:

750.72 Arson, dwelling

PROPERTY DESTRUCTION

Statutory Maximum
120 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-12	0-18	3-18	6-24	12-30	24-48
	II	0-18	3-18	6-18	12-24	18-36	36-60
	III	12-24	18-36	24-48	36-60	48-72	60-80

Offense Title:

750.73 Burn real property
750.75 Burn insured property

PROPERTY DESTRUCTION

Statutory Maximum
60 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
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	A	B	C	D	E	F
I	0-6	0-12	3-12	3-12	6-18	12-24
II	0-6	0-12	6-12	6-12	9-24	12-24
III	3-12	6-12	6-18	18-30	18-30	24-40

Offense Title:

750.72 Arson, dwelling ATT
750.73 Burn real property ATT
750.75 Burn insured property ATT

PROPERTY DESTRUCTION

Statutory Maximum
48 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
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Y

	A	B	C	D	E	F
I	0-3	0-3	0-6	3-6	6-12	12-24
II	0-3	0-6	3-6	6-12	6-18	12-24
III	3-12	6-12	6-12	12-24	12-24	24-32

Offense Title:

750.74	Burn personal property over \$50
750.77	Prepare to burn over \$50
750.377a	Malicious injury personal property over \$100
750.377b	Malicious injury property of police
750.380	Malicious injury house over \$100

PROPERTY DESTRUCTION

Statutory Maximum
24 MONTHS

PRIOR RECORD LEVEL

O
F
F
E
N
S
E

S
E
V
E
R
I
T
Y

	A	B	C	D	E	F
I	0-3	0-3	0-3	0-6	0-6	3-12
II	0-3	0-3	3-6	3-9	6-12	6-12
III	0-6	3-6	3-9	6-12	9-12	9-16

Offense Title:

750.74	Burn personal property over \$50 ATT
750.77	Prepare to burn over \$50 ATT
750.377a	Mal. inj. prop. over \$100 ATT
750.377b	Mal. inj. property of police AH
750.380	Mal. inj. house over \$100 ATT

ROBBERY OFFENSE VARIABLES

O.V. 1 WEAPON: PRESENCE, TYPE AND USE

4 = a firearm discharged or pointed at victim; touching with other weapon

3 = a firearm displayed but not pointed

2 = any weapon, other than a firearm, displayed in a threatening manner

1 = any weapon, other than a firearm, displayed; a firearm implied or possessed, but not displayed

0 = no weapon displayed, implied or possessed

Instructions:

- A. In multiple offender cases, when one offender is assessed points for the presence, type and/or use of a weapon, all offenders shall be assessed the same number of points.
- B. A firearm refers to an operational or non-operational firearm, or any instrument fashioned to reasonably appear to be a firearm.
- C. Score "1" if an offender uses an object in his or her pocket to suggest the presence of a firearm.

Notes:

ROBBERY

O.V.2 PHYSICAL ATTACK AND/OR INJURY

6 = victim killed

5 = serious impairment of body function or permanent serious disfigurement

3 = bodily injury

1 = touching beyond that needed to commit the instant offense

0 = no touching or assault

Instructions:

- A. In multiple offender cases, when one offender is assessed points for physical attack and/or injury, all offenders shall be assessed the same number of points.
- B. Score "0" if a victim is struck in an assaultive crime and there is no bodily injury.
- C. Score "0" in a CSC crime which does not cause bodily injury in addition to acts of touching and/or penetration.
- D. Score "6" if death results during the commission of a crime and a homicide is not charged.

Notes:

ROBBERY

O.V. 5 VICTIM WAS CARRIED AWAY OR HELD CAPTIVE

3 = victim was either carried away to another place or held captive beyond that which was necessary to commit the offense

0 = victim was not carried away or held captive

Instructions:

- A. Score "0" if the conviction offense is kidnapping or if a related conviction offense is kidnapping.
- B. Score "0" where the "carrying away" of a victim would not amount to asportation under Michigan kidnapping law (MCLA 750.349).

Notes:

O.V. 6 MULTIPLE VICTIMS

6 = multiple deaths

2 = three or more victims

1 = two victims

0 = not a multiple victim situation

Instructions:

Count each person who was placed in danger of injury or loss of life as a victim.

Notes:

ROBBERY

O.V. 7 OFFENDER EXPLOITATION OF VICTIM'S VULNERABILITY

3 = offender did exploit victim vulnerability

0 = no exploitation

Instructions:

- A. Score "3" where the victim lacks substantial capacity to defend against the offense and the victim's vulnerability is apparent at the time of the offense. Examples which indicate a victim's vulnerability may include but are not limited to:

- (1) Physical disability
- (2) Mental disability
- (3) Youth
- (4) Agedness
- (5) Disparity in size
- (6) Disparity in strength
- (7) Abuse of authority status
- (8) Intoxication
- (9) Under influence of drugs
- (10) Asleep
- (11) Unconscious
- (12) Physical restraint (e.g., binding with rope, handcuffs, etc.)

DO NOT USE EXAMPLES 5 AND/OR 6
IN SCORING CSC OFFENSES

The mere existence of one or more of these factors should not automatically be equated with victim vulnerability.

- B. Exploitation refers to the manipulation of the victim for selfish or unethical purposes.
- C. Vulnerability refers to the readily apparent susceptibility of the victim to injury, physical attack, persuasion or temptation.
- D. Abuse of authority status refers to situations where a victim is exploited out of fear or deference to an authority figure. Examples of this relationship include: parent-child, teacher-student, doctor-patient.

Notes:

ROBBERY

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

ROBBERY

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

- A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.

Notes:

OFFENSE SEVERITY LEVEL

CRIME GROUP

LEVEL 1

LEVEL 2

LEVEL 3

ROBBERY

(0-3)

(4-7)

(8+)

ROBBERY

Statutory Maximum
LIFE OR TERM OF YEARS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	12-18	12-24	18-36	24-48	36-72	60-96
	II	18-24	18-36	24-48	36-72	60-96	72-120
	III	36-72	48-84	60-96	60-96	72-120	120-240

Offense Title:

750.529 Robbery armed
750.531 Bank robbery
750.89 Assault w/intent to rob armed

ROBBERY

Statutory Maximum
180 MONTHS

PRIOR RECORD LEVEL

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	A	B	C	D	E	F
I	0-12	0-18	6-18	6-24	12-30	18-36
II	0-18	6-18	6-24	12-30	24-42	36-48
III	18-36	24-48	36-60	48-60	48-60	60-120

Offense Title:

750.530 Robbery unarmed
750.88 Assault w/intent to rob unarmed

ROBBERY

Statutory Maximum
120 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-12	0-12	0-18	6-24	12-30	18-36
	II	0-18	0-24	6-24	12-30	18-36	24-42
	III	6-24	12-24	18-36	24-40	30-48	48-80

Offense Title:

750.357 Larceny from person

ROBBERY

Statutory Maximum
60 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-12	0-12	0-12	6-24	12-30	18-36
	II	0-12	0-12	6-24	12-30	18-36	24-36
	III	6-18	6-18	12-30	18-36	24-40	32-40

Offense Title:

750.529	Robbery armed ATT
750.530	Robbery unarmed ATT
750.89	Assault w/intent to rob armed ATT
750.88	Assault w/intent to rob unarmed ATT
750.357	Larceny from person ATT

WEAPONS POSSESSION OFFENSE VARIABLES

O.V. 8 PROFESSIONAL/ORGANIZED CRIME OR RING

4 = offender is a member of professional/organized crime or ring

0 = no membership by offender

Instructions:

- A. Score "4" if the offense is part of a pattern of criminal activities over a period of time from which the offender has derived a substantial portion of his or her income and/or if the instant offense is directly related to membership in an organized criminal group.
- B. The degree of sophistication of the group is not so important as is the fact of existence, which can in part be inferred from the length of time the organization has been in operation.
- C. This may include a juvenile gang.
- D. Presence of multiple offenders should not automatically be defined as constituting an organized criminal group.

Notes:

WEAPONS POSSESSION

O.V. 9 OFFENDER'S ROLE

3 = leader in multiple offender situation

2 = active participant in multiple offender situation

1 = alone

0 = minor or peripheral role

Instructions:

The entire criminal episode or situation should be taken into account in determining whether an offender is a leader.

Notes:

O.V. 18 INJURY OR THREAT TO LIFE

5 = acts resulted in loss of human life

4 = acts resulted in injury to person

3 = acts created threat to human life

0 = no loss, injury or threat

Notes:

WEAPONS POSSESSION

O.V. 23 WEAPON: LETHAL POTENTIAL

3 = great lethal potential; explosives, automatic rifles, sawed-off shotguns, machine guns

1 = danger; other firearms, cutting weapon

0 = other potential weapons; blunt instrument, rope

Notes:

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

- A. Criminal acts mean other offenses, excluding cognate and lesser included offenses, not denied by the defendant, and which have not and will not result in separate convictions.**
- B. Contemporaneous criminal acts mean: (1) any criminal acts, as defined above, occurring within 24 hours of the offense upon which the defendant is being sentenced, or (2) criminal acts, as defined above, which are identical to or similar in nature to the offense upon which the offender is being sentenced, and which occur within six months of the instant offense.**

Notes:

WEAPONS POSSESSION

O.V. 23 WEAPON: LETHAL POTENTIAL

3 = great lethal potential; explosives, automatic rifles, sawed-off shotguns, machine guns

1 = danger; other firearms, cutting weapon

0 = other potential weapons; blunt instrument, rope

Notes:

O.V. 25 CONTEMPORANEOUS CRIMINAL ACTS

2 = three or more contemporaneous criminal acts

1 = two contemporaneous criminal acts

0 = none or one contemporaneous criminal act

Instructions:

A. A criminal act is contemporaneous if: (1) it occurs within twenty four hours of the offense upon which the defendant is being sentenced or within six months if it is identical to or similar in nature; (2) it is not a cognate or lesser included offense; and (3) it has not and will not result in a separate conviction.

Notes:

WEAPONS
POSSESSION

Statutory Maximum
60 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-6	0-12	0-12	6-24	12-36
	II	0-6	0-6	3-12	6-18	12-24	24-36
	III	0-12	6-12	6-18	12-24	24-36	24-40

Offense Title:

750.227 Carry concealed weapon
750.224 Sell illegal weapon
750.226 Carry weapon w/unlawful intent

WEAPONS
POSSESSION

Statutory Maximum
30 MONTHS

		PRIOR RECORD LEVEL					
O F F E N S E S E V E R I T Y		A	B	C	D	E	F
	I	0-6	0-6	0-12	0-12	6-18	12-18
	II	0-6	0-6	3-12	6-18	12-18	12-20
	III	0-12	6-12	6-18	12-18	12-20	12-20

Offense Title:

750.227 Carry concealed weapon ATT
750.224 Sell illegal weapon ATT
750.226 Carry concealed weapon w/unlawful intent ATT

MITIGATING VARIABLE

The offense is mitigated if one or more of the following circumstances existed at the time of the offense.

- i. Avoiding Harm – While apprehensive of harm to person or property, the offender used reasonable force to avoid the harm.
- ii. Provocation/Passion – Circumstances which are not the fault of the offender, and which would similarly provoke a reasonable person, caused the offender emotional disturbance and temporary loss of self-control; while so disturbed, the offender used force against the reasonably perceived source of the disturbance.
- iii. Mistake/Inadvertance – The Offender's criminal activity was due in significant part to a misunderstanding, or ignorance, of a significant fact.

Scoring:

If there are mitigating circumstances, the following scoring procedure is used:

- a. Determine the previously calculated Prior Record Level and Offense Severity Level.
- b. If the offender is in Offense Severity Level II or III, raise the offender one Offense Severity Level in the same Prior Record Level.
- c. If the offender is in Offense Severity Level I, move the offender one Prior Record Level to the left.
- d. If the offender is in Offense Severity Level I and Prior Record Level A, mitigation will not change the guideline sentence range.

		Prior Record Level					
Offense Severity Level		A	B	C	D	E	F
I		● ← ○			● ← ○		
II					○ → ●		● ← ○
III							○ → ●

MITIGATING VARIABLE (con't)

Instructions:

- A. The three types of mitigating circumstances described above are closely related to a number of complete defenses. The difference is that, unlike the complete defenses, the mitigating circumstances typically lack one or more of the elements required to constitute a complete defense. An offense can therefore be mitigated even though the offender's conduct reveals the offender to be guilty beyond a reasonable doubt.
- B. Economic necessity that is not life-threatening is not within the mitigating circumstance described in paragraph (i).
- C. A loss of self-control caused by abuse of alcohol or drugs is not within the mitigating circumstance described in paragraph (ii).

DEPARTURE POLICY

1. A departure occurs whenever a judge sentences an offender to a minimum sentence that is not within the guideline sentence range, as determined by the intersection of the Offense Severity Level and Prior Record Level.
2. The Sentencing Guidelines Advisory Committee has attempted to draft the guideline sentence ranges to reflect past sentencing practices of the state's trial judges. Disagreements with the conclusions of the Advisory Committee are invited and encouraged. To improve the sentencing guidelines, it is necessary that any departure be accompanied by a specific explanation of why, in the case at bar, justice requires a sentence outside the guideline sentence range. In some instances the trial judge may believe that the sentencing guidelines range is inappropriate even though there are no special characteristics of the case at bar which necessitate a departure. In such instances it is necessary to provide a specific explanation of why the trial judge believes the guideline sentence range does not reflect the sentencing practices of the state's trial judges. In the latter case, the trial judge is strongly encouraged to provide an appropriate guideline sentence range. These explanations must be specific; for example, a simple citation to "the ends of justice" would be insufficient.
3. Departure reasons must be placed on the record and on the Sentencing Information Report (SIR). Additional comments and suggestions are solicited and may be placed on the back of the SIR or sent separately to the Advisory Committee in Lansing.
4. In the event that written departure reasons are omitted the Sentencing Information Report will be returned to the sentencing judge for completion.
5. Although the guideline sentence ranges are not binding on the sentencing judge, the purpose of guidelines cannot be achieved unless the guideline sentences are usually followed or, where departures occur, adequate explanations are given.

DEMONSTRATION CASE #1

Criminal Sexual Conduct - 1st Degree

MCLA 750.520b

MSA 28.788(2)

NAME: DOMINIC
DOB: 10-24-34
SEX: MALE

OFFENSE SUMMARY

At approximately 9:50 p.m. on June 10, 1977, Dominic stopped at the XXX Gas Station. He began talking to the gas station attendant, Margaret, whom he had known for a number of years. While they were talking Margaret received a phone call from her husband informing her that he could not come to pick her up at work. She then asked Dominic if he would drive her home and he agreed. At approximately 10:10 p.m., after closing up the station, Margaret got into Dominic's car and asked him to drive her home. On the way home, Dominic took the wrong turn and proceeded out to Lake YYY. Upon arriving at the lake, he drove off onto the shoulder of the road. He pulled Margaret out of the car, wrestled her to the ground, choked her, and raped her. Dominic then got up and returned to his car and drove off. Margaret flagged down a passing motorist who took her to the hospital where it was reported that she had a small abrasion on her lower lip and that she had been raped.

CONVICTION/PLEA

Dominic was charged with Criminal Sexual Conduct-1st Degree. He was found guilty by a jury trial.

PRIOR RECORD

<u>Offense Date</u>	<u>* Offense</u>	<u>Disposition Date</u>	<u>Disposition</u>
11/12/48	(J) Auto Theft		juvenile probation
4/29/50	(M) Disorderly Conduct		fine
5/11/50	(F) Felonious Assault	10/11/50	1½-4 years State Prison
11/15/62	(F) Statutory Rape	12/05/64	3-10 years State Prison
3/20/65	(M) Disorderly Conduct		fine and 30 days
5/24/65	(M) Assault and Battery		fine and 45 days
8/07/65	(M) Drunk		fine
8/12/65	(F) Negligent Homicide	11/08/65	1½-2 years State Prison
11/04/67	(M) Assault and Battery		90 days jail
3/17/68	(M) Drunk and Disorderly		fine
7/19/69	(M) Assault		fine and 10 days jail
12/04/73	(M) Assault and Battery		90 days jail
6/10/77	(F) CSC-1st (instant offense)		

*(J)-Juvenile Delinquency Adjudication
(M)-Adult Misdemeanor
(F)-Adult Felony

SENTENCING INFORMATION REPORT

Judge Row BeanPO B.R. HultonDefendant DominicCounty # 00Docket # 77-00000CURRENT OFFENSE DATA: Offense Title: Criminal Sexual Conduct - 1st DegreeAttempt Yes ☐ No ☒No. of convictions: 1GUIDELINES INFORMATION: Crime group CSCStatmax LifeIs there a grid Yes ☒ No ☐

GO BEYOND THIS LINE ONLY IF THERE IS A GRID

PRIOR RECORD SCORE:

PRV1: 2 6 PRV2: 1 0 PRV3: 2 0 PRV4: 0 0PRV5: 0 0 PRV6: 2 9 PRV7: 0 0PRV TOTAL: 7

Prior Record Level

A B C D E F
(0) (1-2) (3-4) (5-6) (7-8) (9+)For Neg. Hom: PRV3: PRV9:

OFFENSE SCORE: (indicate points for each variable in crime group)

Offense Severity Level

I II III

Assault:	OV 1: <input type="checkbox"/> OV 2: <input type="checkbox"/> OV 5: <input type="checkbox"/> OV 6: <input type="checkbox"/> OV 7: <input type="checkbox"/> OV 8: <input type="checkbox"/>	TOTAL: <u> </u>	(0-3)	(4-5)	(6+)
Burglary:	OV 1: <input type="checkbox"/> OV 2: <input type="checkbox"/> OV 5: <input type="checkbox"/> OV 8: <input type="checkbox"/> OV 9: <input type="checkbox"/> OV 10: <input type="checkbox"/>	TOTAL: <u> </u>	(0-3)	(4-6)	(7+)
CSC:	OV 1: <u>0 0</u> OV 2: <u>3 0</u> OV 5: <u>3 0</u> OV 6: <u>0 0</u> OV 7: <u>0 0</u> OV 8: <u>0 0</u>	TOTAL: <u>10</u>	(0-3)	(4-7)	(8+)
Drug:	OV 9: <input type="checkbox"/> OV 9: <input type="checkbox"/> OV 15: <input type="checkbox"/> OV 16: <input type="checkbox"/> OV 25: <input type="checkbox"/>	TOTAL: <u> </u>	(0-3)	(4-6)	(7+)
Fraud:	OV 3: <input type="checkbox"/> OV 9: <input type="checkbox"/> OV 17: <input type="checkbox"/> OV 25: <input type="checkbox"/>	TOTAL: <u> </u>	(0-3)	(4-5)	(6+)
Homicide:	OV 3: <input type="checkbox"/> OV 4: <input type="checkbox"/> OV 6: <input type="checkbox"/> OV 7: <input type="checkbox"/> OV 8: <input type="checkbox"/> OV 9: <input type="checkbox"/>	TOTAL: <u> </u>	(1-3)	(4-6)	(7+)
Larceny:	OV 8: <input type="checkbox"/> OV 9: <input type="checkbox"/> OV 14: <input type="checkbox"/> OV 17: <input type="checkbox"/> OV 25: <input type="checkbox"/>	TOTAL: <u> </u>	(0-3)	(4-5)	(6+)
Neg. Hom:	OV 20: <input type="checkbox"/> OV 21: <input type="checkbox"/> OV 22: <input type="checkbox"/>	TOTAL: <u> </u>	(0-2)	(3-4)	(5+)
Prob. Dest:	OV 3: <input type="checkbox"/> OV 9: <input type="checkbox"/> OV 17: <input type="checkbox"/> OV 18: <input type="checkbox"/> OV 19: <input type="checkbox"/> OV 25: <input type="checkbox"/>	TOTAL: <u> </u>	(0-3)	(4-5)	(6+)
Robbery:	OV 1: <input type="checkbox"/> OV 2: <input type="checkbox"/> OV 5: <input type="checkbox"/> OV 6: <input type="checkbox"/> OV 7: <input type="checkbox"/> OV 8: <input type="checkbox"/>	TOTAL: <u> </u>	(0-3)	(4-7)	(8+)
Weapons:	OV 3: <input type="checkbox"/> OV 9: <input type="checkbox"/> OV 13: <input type="checkbox"/> OV 23: <input type="checkbox"/> OV 25: <input type="checkbox"/>	TOTAL: <u> </u>	(0-2)	(3-4)	(5+)

MITIGATION TYPE: I ☐ II ☐ III ☐ IV ☒ none ☒ Final PRV Level: E Final Offense Sev. Level: IIIGUIDELINE SENTENCE RANGE: 100-300 or LIFE ①Actual Sentence Length (Years 20-40, Months):
Please note any specific conditions relating to confinement)Location: Prison X, Jail , Jail-Prob. , Prob. DEPARTURE ☒ (Above, Below) Please Specify Reasons:

Demonstration Case #1
Dominic

NOTES

- a. Sentence guideline grids have been developed for 49 statutory maxima in 11 crime groups. Refer to the Crime List Tab if there is any question as to whether there is a grid applicable to the instant offense.
- b. PRV 1 — 4 felony convictions are listed. The 1950 Felonious Assault is not scored due to the 10 year crime free period following discharge (see PRV general instructions - G). Of the 3 remaining convictions, the 1962 Statutory Rape is scored "2" points as a "high severity" felony conviction; the 1965 Negligent Homicide is not scored in this category since it is not listed as "high severity" under PRV 1 instruction - C; and, the 1977 CSC 1st is the instant offense. The final score for PRV 1 is "2" points.
- c. PRV 2 — The 1965 Negligent Homicide is included in the PRV 2 instruction - C as a low severity conviction, consequently the correct score is "1" point.
- d. PRV 3 — "2" points is the proper score for this variable because the 1962 Statutory Rape is the only conviction which is classified as high severity and similar to the instant offense of CSC 1st.
- e. PRV 4 — No other felony convictions fall into the "similarity groups" list under PRV 4 instruction - D, so the score is "0".
- f. PRV 5 — As noted above in PRV 1, the first three convictions on Dominic's record are disregarded due to the subsequent crime free period of 10 years. Consequently, the score is "0" as there are no juvenile offenses.
- g. PRV 6 — Dominic's prior record indicates 8 misdemeanor convictions. The 1950 Disorderly Conduct is not scored due to the subsequent 10 year crime free period. Of the 7 remaining convictions, the 3 "disorderly" convictions are not related to the crime groups specified under PRV general instruction - D so they are not scored and consequently the 4 remaining assaultive convictions are scored for a total of "2" points.
- h. PRV 7 — The most recent prior offense on Dominic's record is the 1973 Assault and Battery for which he served 90 days in jail. Since that time there is no evidence of any relationship with the criminal justice system, consequently the proper score is "0".
- i. OV 1 — The Offense Summary makes no mention of a weapon present or used, so the appropriate score is "0".
- j. OV 2 — The combination of Dominic wrestling the victim to the ground, choking her and the facial abrasions reported to the hospital indicate a score of "3" for bodily injury. This variable exemplifies ways in which judicial discretion continues to impact the offender's sentence.
- k. OV 5 — Although the victim voluntarily entered the car, she became a captive at the time Dominic departed from the route that would have dropped her at her house.

- l. OV 6 — There is only one victim and therefore the appropriate score is "0".
- m. OV 7 — There is no evidence that the victim lacked substantial capacity to defend herself. Note that disparity in size or strength does not constitute exploitation of vulnerability for CSC convictions. The appropriate score is "0".
- n. OV 8 — Since there is no evidence that Dominic is a professional criminal the appropriate score is "0".
- o. OV 9 — Since Dominic acted alone the appropriate score is "1".
- p. OV 12 — There is evidence of vaginal criminal sexual penetration, hence the appropriate score is "3".
- q. OV 13 — There is no evidence of nonvaginal criminal sexual penetration, hence the appropriate score is "0".
- r. OV 25 — Score "0" since there is no evidence of contemporaneous acts.
- s. Mitigation Type — Check "none" since there is no evidence to suggest that one or more of the mitigating circumstances were present at the time of the offense.
- t. Guideline Sentence Range — The conviction offense is CSC-1st and hence the appropriate crime group is CSC and the statutory maximum is Life. The final PRV level is "E" and the Offense Severity Level is "III". The guideline sentence range is found in the cell which lies at the intersection of column E and row III. As can be seen, the guideline sentence range for Dominic is "180-300 months or Life".
- u. Departure — There is no departure and hence there is no reason to specify any departure reasons.

THE EFFECT OF "PROPOSAL B"

As per 1978 Initiated Law, amended MCLA 791.233; MSA 28.2302 (Ballot Proposal B in the November 1978 general election) the following offenses are crimes for which the minimum sentence must be served:

List of Crimes Contained in Proposal B

- | | | |
|--|---|--|
| <p>750.13 Enticing away female under 16 years for purpose of marriage</p> <p>750.14 Administering drugs, etc., w/intent to procure miscarriage</p> <p>750.72 Burning dwelling house</p> <p>750.73 Burning of other real property</p> <p>750.75 Burning of insured property</p> <p>750.80 Setting fire to mines and mining materials</p> <p>750.83 Assault w/intent to commit murder</p> <p>750.84 Assault w/intent to do great bodily harm less than murder</p> <p>750.86 Assault w/intent to maim</p> <p>750.87 Assault w/intent to commit felony, not otherwise punished</p> <p>750.88 Assault w/intent to rob and steal being unarmed</p> <p>750.89 Assault w/intent to rob and steal being armed</p> <p>750.90 Sexual intercourse under pretext of medical treatment</p> <p>750.91 Attempt to murder by poisoning, etc.</p> <p>750.92 Attempt to commit crime</p> <p>750.110 Breaking and entering</p> <p>750.112 Burglary w/explosives</p> <p>750.116 Possession of burglar's tools</p> <p>750.135 Exposing children w/intent to injure or abandon</p> <p>750.136A Torturing of children, penalty</p> <p>750.158 Crime against nature or sodomy, penalty</p> <p>750.160 Disinterment and mutilation of dead human bodies</p> <p>750.171 Engaging in or challenging to fight duel</p> <p>750.194 Breaking, escaping and attempting to break or escape from Detroit House of Correction</p> <p>750.196 Breaking, escaping, or attempting to break or escape from county work farms, etc.</p> <p>750.204 Sending explosives w/intent to injure persons</p> <p>750.205 Placing explosives w/intent to destroy but without resulting damage</p> <p>750.206 Placing explosives w/intent to destroy and causing damage to property</p> | <p>750.207 Placing explosives w/intent to destroy and causing injury to any person</p> <p>750.208 Aiding and abetting in the placing of explosives with intent to destroy, etc.</p> <p>750.209 Placing foul and offensive substances w/intent to injure, molest or coerce</p> <p>750.213 Malicious threats to extort money</p> <p>750.224 Possession, manufacture or sale of machine guns, silencer, bomb, blackjack, slung shot, billy, metallic knuckles, sand club, bludgeon, gas container</p> <p>750.226 Carrying firearm or dangerous weapon w/unlawful intent</p> <p>750.227 Carrying concealed weapons</p> <p>750.316 First degree murder</p> <p>750.317 Second degree murder</p> <p>750.319 Death as result of fighting a duel</p> <p>750.321 Manslaughter</p> <p>750.322 Willful killing of unborn quick child</p> <p>750.323 Death of quick child or mother from use of medicine, etc., w/intent to destroy such child</p> <p>750.327 Death due to explosives</p> <p>750.328 Death from explosives placed w/intent to destroy, etc., building or object</p> <p>750.329 Death from wound, etc., from firearm pointed intentionally, but without malice</p> <p>750.333 Incest; sexually delinquent persons; penalty</p> <p>750.338 Gross indecency; between male persons</p> <p>750.338A Gross indecency; between female persons</p> <p>750.338B Gross indecency; between male and female persons</p> <p>750.341 Ravishing, etc., female patient in any state or county institution for the care of the insane</p> <p>750.349 Confining person against will, etc.</p> <p>750.349A Prisoner taking another as a hostage</p> <p>750.350 Enticing away, etc., child</p> | <p>under 14 years of age</p> <p>750.357 Larceny from the person</p> <p>750.386 Maliciously injuring or destroying machinery and appliances used for pumping, signaling or hoisting of men or materials in Mines</p> <p>750.392 Willfully destroying vessels etc.</p> <p>750.397 Mayham</p> <p>750.397A Placing harmful objects or substances in food</p> <p>750.436 Poisoning food, wells, etc.</p> <p>750.511 Attempt to wreck railroad trains or endanger safety of passengers</p> <p>750.517 Entering railroad train or cars for purpose of robbing by means of intimidation</p> <p>750.520B First degree criminal sexual conduct</p> <p>750.520C Second degree criminal sexual conduct</p> <p>750.520D Third degree criminal sexual conduct</p> <p>750.520G Assault w/intent to commit criminal sexual conduct</p> <p>750.529 Armed robbery; aggravated assault</p> <p>750.530 Robbery unarmed</p> <p>750.531 Bank, safe and vault robbery</p> <p>750.544 Treason; punishment</p> <p>750.545A Subversion against state; penalty</p> <p>752.312 Certain acts deemed felony</p> <p>752.326 Sabotage, penalty, definition</p> <p>752.541 Riot</p> <p>752.542 Incitement to riot</p> <p>752.543 Unlawful assembly</p> <p>752.544 Felony, penalty</p> <p>335.341(1)(a)(b) and (3)(a)(b) Unlawful manufacture, delivery, or possession w/intent to manufacture or deliver a controlled substance (classified in schedules 1, 2 or 3, except marijuana) or a counterfeit substance (classified in schedules 1, 2 or 3).</p> |
|--|---|--|

The effect of this law is to create a class of felony sentences to which no "good time" reduction applies and to which no "special parole" releases are possible. All other felony sentences which are not mandatory by law are subject to "good time" and "special parole."

Because of the importance of this law, those offenders which are subject to Proposal B are so designated in the Crime Lists.

Regarding MCL 750.92, the Attorney General's Opinion No. 5583 of October 16, 1979 states that Proposal B applies only to attempts to crimes in the enumerated list.

Regarding sentences for crimes which carry a possible sentence of "life or term of years," Attorney General Opinion No. 5583 of October 16, 1979 states that the "lifer law" which vests jurisdiction in the parole board after 10 calendar years of such a life term is no longer applicable. "In such cases, the minimum term imposed by the court is, in effect, life imprisonment. Thus, 1978 Initiated Law precludes parole consideration for a prisoner with a life sentence." (Id., p. 8).

Where a court fixes the maximum prison sentence under a "life or term of years" statutory rule, Attorney General's Opinion No. 5583 states that good time reductions apply to the maximum sentence fixed by the court.

Note: With the passage of the disciplinary credits bill two criminal offenses were added to the list of Proposal B crimes.

They are: 333.7401 (2) (a) and (b) Violation of Controlled Substance Act
333.7402 (2) (a) and (b) Violation of Controlled Substance Act

GOOD TIME CHART

In addition to "regular good time," the Wardens of the various institutions, with the consent and approval of the Director of Corrections, may grant residents "special good time" in amounts not to exceed one-half of the amount of "regular good time" allowed under the foregoing schedule. Sentence reductions through "regular" and "special good time" allowances as applied to most of the sentences frequently imposed by the courts are as follows:

ON THE MINIMUM OF AN INDETERMINATE SENTENCE OF

Six months
One year.....
One and one-half year.....
Two years
Two and one-half years.....
Two years, 8 months
Three years
Three years, 4 months
Three and one-half years.....
Four years.....
Four and one-half years
Five years
Five and one-half years.....
Six years
Six and one-half years.....
Six years, 8 months.....
Seven years
Seven and one-half years
Eight years
Eight and one-half years
Nine years.....
Nine and one-half years.....
Ten years.....
Ten and one-half years
Eleven years
Eleven and one-half years.....
Twelve years
Twelve and one-half years
Thirteen years.....
Thirteen and one-half years.....
Fourteen years.....
Fourteen and one-half years
Fifteen years
Fifteen and one-half years
Sixteen years.....
Sixteen and one-half years.....
Seventeen years
Seventeen and one-half years ...
Eighteen years.....
Eighteen and one-half years
Nineteen years.....
Nineteen and one-half years
Twenty years
Thirty years.....
Forty years.....
Fifty years.....

AN INMATE WILL SERVE

Five months.....
Ten months
One year, 3 months, 1 day.....
One year, 8 months, 1 day.....
Two years, 26 days
Two years, 2 months, 14 days
Two years, 5 months, 21 days
Two years, 8 months, 27 days
Two years, 10 months, 15 days....
Three years, 3 months, 10 days ...
Three years, 7 months, 29 days ...
Four years, 17 days
Four years, 5 months, 5 days.....
Four years, 9 months, 24 days
Five years, 2 months.....
Five years, 4 months, 17 days
Five years, 6 months, 7 days
Five years, 10 months, 14 days....
Six years, 2 months, 21 days
Six years, 6 months, 28 days
Six years, 11 months, 4 days
Seven years, 3 months, 5 days
Seven years, 7 months, 6 days
Seven years, 11 months, 7 days...
Eight years, 3 months, 8 days
Eight years, 7 months, 9 days
Eight years, 11 months, 9 days.....
Nine years, 3 months, 10 days
Nine years, 7 months, 11 days
Nine years, 11 months, 12 days...
Ten years, 3 months, 13 days
Ten years, 7 months, 2 days
Ten years, 10 months, 20 days
Eleven years, 2 months, 9 days ...
Eleven years, 5 months, 29 days
Eleven years, 9 months, 18 days
Twelve years, 1 month, 6 days
Twelve years, 4 months, 25 days....
Twelve years, 8 months, 14 days....
Thirteen years, 3 days.....
Thirteen years, 3 months, 23 days
Thirteen years, 6 months, 24 days
Thirteen years, 9 months, 25 days..
Eighteen years, 10 mos., 20 days....
Twenty Three yrs., 11 mos., 14 da...
Twenty Nine yrs., 9 days.....

WHICH MAY BE REDUCED BY SPECIAL GOOD TIME TO

Four months, 15 days
Nine months
One years, 1 month, 17 days.....
One year, 6 months, 2 days
One year, 10 months, 9 days.....
One year, 11 months, 21 days ...
Two years, 2 months, 17 days ...
Two years, 5 months, 11 days ...
Two years, 6 months, 23 days ...
Two years, 11 months
Three years, 1 month.....
Three years, 6 months, 26 days..
Three years, 10 months, 23 days..
Four years, 2 months, 21 days...
Four years, 6 months.....
Four years, 7 months, 5 days ...
Four years, 9 months, 11 days...
Five years, 21 days
Five years, 4 months, 2 days.....
Five years, 7 months, 12 days ...
Five years, 10 months, 21 days....
Six years, 1 month, 23 days.....
Six years, 4 months, 24 days
Six years, 7 months, 26 days
Six years, 10 months, 27 days ...
Seven years, 1 month, 29 days
Seven years, 4 months, 29 days ...
Seven years, 8 months
Seven years, 11 months, 2 days ...
Eight years, 2 months, 3 days ...
Eight years, 5 months, 5 days ...
Eight years, 7 months, 18 days....
Eight years, 10 months.....
Nine years, 14 days.....
Nine years, 3 months.....
Nine years, 5 months, 12 days...
Nine years, 7 months, 24 days...
Nine years, 10 months, 8 days...
Ten years, 21 days.....
Ten years, 3 months, 5 days
Ten years, 5 months, 20 days....
Ten years, 7 months, 6 days
Ten years, 8 months, 23 days....
Thirteen years, 4 months.....
Fifteen years, 11 months, 6 days..
Eighteen years, 6 months, 14 days

MISDEMEANORS TO BE CONSIDERED WHEN SCORING PRIOR RECORD VARIABLE #6

<u>MCLA#</u>	<u>DESCRIPTION</u>	<u>CRIME GROUP</u>
750.195	POLICE AND PRISONS: JAIL BREAK	AST
750.81A	ASSAULT--AGGRAVATED	AST
750.184	AIDING ESCAPE FROM AN OFFICER OF THE LAW	AST
750.185	AIDING ESCAPE GIRLS TRAINING SCHOOL	AST
750.217	POLICE & PRISONS: OBSTRUCTING OFFICER BY DISGUISE	AST
750.81B	SIMPLE ASSAULT	AST
750.352-B	MOLESTING WORKER IN PEACABLE OCCUPATION	AST
750.400	MOLESTING MEMBER OF STATE MILITIA	AST
750.540-E	MISC: PHONE CALL--THREATENING	AST
750.411-A-B	FALSE BOMB THREAT	AST
750.81-AA	ASSAULT AND BATTERY ON CHILD	AST
750.81-A	ASSAULT AND BATTERY	AST
750.479-A-C	ASSAULT ON POLICE OFFICER	AST
750.479-A-F	ASSAULTING POLICE OFFICER, STRONG ARM	AST
750.479-A-G	ASSAULTING PUBLIC OFFICIAL SERVING PROCESS	AST
750.479A-H	ASSAULT--INJURY TO POLICE OFFICER	AST
750.113	B & E NON TELEPHONE COIN BOX	BUR
750.114	B & E ENCLOSED SHOWCASE	BUR
750.115-A	ENTRY WITHOUT OWNER'S PERMISSION	BUR
750.115-B	ENTERING PUBLIC PLACE WHERE SUCH ENTRY HAS BEEN EXPRESSLY DENIED	BUR
750.343-A	SALE OF OBSCENE MATERIAL	CSC
750.335A	INDECENT EXPOSURE	CSC
750.35	IMMORAL PUBLISHING/DISTRIBUTION	CSC
750.34	IMMORAL ADVERTISING	CSC
750.145-A	ACCOSTING A MINOR UNDER 16 FOR IMMORAL PURPOSES	CSC
750.454	LEASING HOUSE FOR PROSTITUTION	CSC
750.167-G	INDECENT AND OBSCENE PERSON-VAGRANT	CSC
750.462	PROSTITUTION/FEMALE UNDER 17	CSC
750.449	PROSTITUTION--RECEIVING AND ADMITTING	CSC
750.448-B	PROSTITUTION--ACCOSTING AND SOLICITING	CSC
750.167-B	DISORDERLY PERSON-PROSTITUTE	CSC
750.142	FURNISHING OBSCENE BOOKS TO CHILDREN	CSC
750.450	AIDING/ABETTING A PROSTITUTE	CSC
750.520-E	CRIMINAL SEXUAL CONDUCT 4TH DEGREE	CSC
750.451	ACCOSTING/SOLICITING 2ND OFFENSE	CSC
750.520-E-B	CRIMINAL SEXUAL CONDUCT 4TH DEGREE, FORCE OR COERCION	CSC
750.520-E-C	CRIMINAL SEXUAL CONDUCT, INCAPACITATED PERSON	CSC
750.143	EXHIBITING (OBSCENE) CHILDREN	CSC
333.7404	UNLAWFUL USE OF NARCOTICS	DRG
750.16	ADULTERATED DRUGS, INJURIOUS TO HEALTH	DRG
333.7404-C	MARIJUANA-DISTRIBUTION W/O RENUMERATION	DRG
333.7404-E	USE, SCHEDULE 5 & LSD, ETC.	DRG

333.7404-D	USE, NON-NARCOTIC(SCHEDULE 1)	DRG
333.7404-A	UNLAWFUL USE OF LSD	DRG
333.7404-B	UNLAWFUL USE OF MARIJUANA	DRG
750.488	STATE EMPLOY RETAINING FEES	FRD
750.491	PUBLIC RECORD REMOVAL TO MUTILATE	FRD
750.490	LENDING PUBLIC MONEY TO PERSON, FIRM OR CORP.	FRD
750.182-A	FALSIFICATION OF SCHOOL RECORD	FRD
750.5400	TELECOM AVOIDING CHARGE	FRD
750.265	SELLING GOODS BEARING FALSE LABEL	FRD
339.2401	RESIDENTIAL CONTRACTOR-UNLICENSED	FRD
750.482	PUBLIC OFFICE NEGLECT TO PAY MONEY COLLECTED	FRD
750.466	SELLING DISEASED OR UNWHOLESOME PROVISIONS	FRD
750.298	PRACTICING MEDICINE UNDER FALSE NAME	FRD
750.264	POSSESSION OF PLATES TO IMITATE DYES	FRD
750.288	FRAUDULENT SALE OF ARTICLES MARKED COIN	FRD
	OR COIN SILVER	
750.294	FRAUDULENT REGISTRATION OF ANIMALS AS	
	PURCHASED	FRD
750.295	FRAUDULENT RECORDING MILK AND BUTTER	FRD
750.215	FRAUDULENT IMPERSONATION OF PUBLIC OFFICER	FRD
750.263	FORGING OR COUNTERFEIT TRADE MERCHANDISE	FRD
750.389	FALSE STATEMENTS TO INDUCE OTHERS	FRD
750.220	FALSE STATEMENT OF PROPERTY VALUE	FRD
206.461	FAILURE OR FALSE FILING OF TAX RETURN	FRD
750.214	CORRUPT OFFICIAL, RECEIVING GREATER FEE	FRD
750.125-A	BRIBERY OF PUBLIC AGENT/SERVANT	FRD
257.256	IMPROPER USE OF CERTIFICATE OF TITLE	FRD
257.324-A	FALSE STATEMENTS OBTAIN DRIVER	FRD
28.293	FALSE INFORMATION OBTAIN STATE I.D.CARD	FRD
168.499	FALSE APPLIC. REGISTRATION AFFIDAVIT	FRD
257.324A-B	DISPLAY FICTICIOUS/ALTERED DRIVER'S LICENSE	FRD
421.54-B	FRAUD/MAKE FALSE STATEMENT TO OFFICER	FRD
750.368	SIMULATION DEMAND FOR LEGAL PROCESS	FRD
750.284	SELLING SUBSTITUTE GOODS UNDER	FRD
257.310	POSSESSION OF REPRO FORGED OPS LIC;	
	MOTOR VEHICLE	FRD
445.5	PERSON CONDUCTING BUSINESS UNDER ASSUMED	
	NAME	FRD
333.17766	OBTAINING DRUGS BY FALSE NAME	FRD
333.17766-C	OBTAINING DRUGS BY FALSE PRESCRIPTION	FRD
750.415	MOTOR VEHICLE-CONCEAL IDENTITY	FRD
750.292	DEFRAUDING AN INNKEEPER	FRD
750.291	DEFRAUDING AN INNKEEPER	FRD
207.19	WILFULLY MAKING BAD PROPERTY ASSESMENT	FRD
400.61	WELFARE FRAUD	FRD
436.33-B	USE OF FALSE ID TO PURCHASE ALCOHOL	FRD
257.1104	PRODUCING FALSE EVIDENCE OF AUTO INSURANCE	FRD
333.17766-B	POSSESSION OF FORGED PRESCRIPTION	FRD
436.33-B-A	FURNISHING FALSE ID TO A MINOR	FRD
750.297	FRAUDULENT SALE OF KOSHER MEAT	FRD
750.283	FRAUDULENT PROVISIONS TO PREVENT SALE	FRD
750.296	FRAUDULENT MARKETING AND/OR SALE OF MILK	FRD
750.282-C	FRAUDULENT CONNECTION TO UTILITY UNDER \$50	FRD
750.289	FRAUD; FALSE BILLING OF GOODS	FRD
47.13	FRAUD WHILE COUNTY AUDITOR	FRD
750.489	FALSE STATEMENT OF PUBLIC FINANCE	FRD

750.221	FALSE REPRESENTING AS BLIND, DEAF	FRD
333.17766-A	FALSE PRESCRIPTION	FRD
750.411-A	FALSE POLICE REPORT	FRD
750.219-A	FALSE CREDIT CARD USE UNDER \$100	FRD
750.232-A	FALSE APPLICATION TO PURCHASE	FRD
750.281	DEFRAUDING LIVERY STABLE KEEPERS	FRD
750.92-L	ATTEMPTED FALSE PRETENSES LESS THAN \$10	FRD
750.131-D	NSF CHECK UNDER \$50--3RD OFFENSE	FRD
750.131-C	NSF CHECK UNDER \$50--2ND OFFENSE	FRD
750.131-B	ONE NSF CHECK UNDER \$50	FRD
750.157-S	USE OF CANCELLED CREDIT CARD	FRD
750.363-A	LARCENY BY FALSE IMPERSONATION	FRD
750.362	LARCENY BY CONVERSION UNDER \$100	FRD
400.60-A	FRAUDULENT REPORT--ADC UNDER \$500	FRD
750.218-D	FALSE PRETENSES--TAXI	FRD
750.218-B	FALSE PRETENSES UNDER \$100.00	FRD
400.60-B	ADC FRAUD \$500 OR LESS	FRD
750.178-A	EMBEZZELMENT OF CHATTEL UNDER \$100	FRD
750.181-C	EMBEZZELMENT OF PROPERTY UNDER \$100	FRD
750.177-C	EMBEZZELMENT BY MORTGAGOR UNDER \$100	FRD
750.361	LARCENY, REMOVING RAILROAD BEAM	LAR
750.359	LARCENY FROM A VACANT STRUCTURE	LAR
750.364	LARCENY FROM LIBRARY	LAR
750.356	LARCENY UNDER \$100.00	LAR
750.356-D	LARCENY BY TRICK UNDER \$100.00	LAR
750.356-A-D	LARCENY BY TRICK UNDER \$100.00	LAR
750.92-T	ATTEMPTED LARCENY UNDER \$100	LAR
750.362-A	FAILURE TO RETURN RENTED PROPERTY	LAR
750.174-D	EMBEZZELMENT BY TRUSTEE, BAILEE OR CUSTODIAN \$100 OR LESS	LAR
750.174-C	EMBEZZELMENT BY AGENT, SERVANT OR EMPLOYEE	LAR
750.540	CUT/BREAK/TAP CONNECTING LINE	PDS
750.416-B	MOTOR VEHICLE DAMAGING	PDS
318.251	MALICIOUS DESTRUCTION OF PUBLIC	PDS
750.380-B	MALICIOUS DESTRUCTION OF BUILDING	PDS
750.377-A-D	MALICIOUS DESTRUCTION OF PERSONAL PROPERTY LESS THAN \$100.00	PDS
750.74	ARSON-PERSONAL PROPERTY UNDER \$50.00	PDS
750.393	BOATS, REMOVE OR DESTROY BUOYS	PDS
750.107	BOATS--BREAK MOORING	PDS
750.496	ARSON, CARELESS FIRE, HOTEL OR ROADHOUSE	PDS
750.535-A	RECEIVING CONCEALED OR STOLEN PROPERTY	ROB
750.414-A	POSSESSION OF MASTER KEY OF MOTOR VEHICLE	ROB
750.236	WEAPON--SPRING GUN	WEA
750.234	INJURY OF ANOTHER BY AIMING W/O MALICE	WEA
750.235	INJURY BY DISCHARGE OF FIREARM INT BUT W/O MALICE	WEA
750.234-B	DISCHARGE OF FIREARM INTENTIONALLY AIMED WITHOUT MALICE	WEA
750.231	UNLAWFUL POSSESSION OF FLARE PISTOL IN MOTOR VEHICLE	WEA
312.10	TRANSPORTING UNLOADED FIREARM IN A MOTOR VEHICLE	WEA
750.233	FIREARM--AIMED WITHOUT MALICE	WEA
123.66	VIOL. WAYNE CO. PARK RULES: POSSESSION OF LOADED FIREARM	WEA

752.A863	RECKLESS,WANTON USE OR NEGLIGENT USE OF FIREARM	WEA
750.223	WEAPONS: SALE OF PISTOL W/O COMPLIANCE	WEA
312.10-D-A	IMPROPER POSSESSION OF FIREARM IN MOTOR VEHICLE	WEA
312.10-DA	IMPROPER POSSESSION OF FIREARM IN AUTO	WEA
750.223-A	WEAPONS:SALE OF LONG GUN TO PERSON UNDER 18	WEA
752.861-C	WEAPONS SELLING OF	WEA
752.861-B	WEAPONS FIRING OF	WEA
456.114	USE OF FIREARMS IN CEMETARY	WEA
259.179	UNLAWFULLY HUNTING FROM AN AIRCRAFT	WEA
752.882-C	RECKLESS USE OF BOW AND ARROW	WEA
752.862-B	RECKLESS USE OF FIREARMS/DESTR.	WEA
752.A863	RECKLESS USE OF FIREARM	WEA
752.862-A	RECKLESS USE OF FIREARMS TO DESTROY PROPERTY WITH VALUE GREATER THAN \$50.	WEA
750.232-A	PURCHASE PISTOL WITHOUT PERMIT	WEA
752.861-A	POSSESSION OF WEAPONS	WEA
750.227-C	TRANSPORTATION OR POSSESSION OF LOADED FIREARM OTHER THAN PISTOL IN MOTOR VEHICLE	WEA
750.227-B	TRANSPORTATON OR POSSESSION OF LOADED SHOTGUN IN MOTOR VEHICLE	WEA
750.226-A	POSSESSION OF SWITCHBLADE	WEA
750.227-D	CARRYING CONCEALED WEAPON INCONSISTENT WITH RESTRICTION	WEA
750.237	LIQUOR, POSSESSION OR USE OF FIREARM BY PERSON UNDER INFLUENCE	WEA
752.881-A	CARELESS/RECKLESS USE OF BOW & ARROW	WEA
752.861	CARELESS DISCHARGE OF FIREARM	WEA
750.212	EXPLOSIVES/INTENT TO USE UNLAWFULLY	WEA
29.43	EXPLOSIVES--DYNAMITE	WEA
750.479-A-E	ASSAULTING POLICE OFFICER, WEA	WEA
28.422	CARRYING OR TRANSPORTING PISTOL WITHOUT A LICENSE	WEA